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## SUPPLEMENT

TO THE

*The Maryland code of*  
**Code of Public General Laws**  
*Legalized 1900 ch. 43,*  
**OF MARYLAND,**

CONTAINING THE PUBLIC GENERAL LAWS

Passed at the Sessions of the General Assembly of

1890, 1892, 1894, 1896, 1898,

CODIFIED IN ARTICLES AND SECTIONS TO CORRESPOND WITH THE CODE, WITH  
REFERENCES TO THE DECISIONS THEREON BY THE COURT OF APPEALS AND  
WITH AN APPENDIX GIVING REFERENCES TO THE DECISIONS MADE BY  
THE COURT OF APPEALS FROM OCTOBER, 1887 TO JANUARY  
1898. UPON THE PUBLIC GENERAL LAWS, ARRANGED  
UNDER THE PROPER ARTICLES AND SECTIONS.

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BY JOHN PRENTISS POE

*Of the Baltimore Bar.*

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BALTIMORE:  
PRESS OF KING BROTHERS  
1898

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## PREFACE.

As indicated in the title page, this volume contains a codification of the Public *General* Laws of Maryland passed at the sessions of the General Assembly from 1890 to 1898, inclusive.

The Public *Local* Laws enacted at those same sessions, whether passed as applicable merely to one or more counties or to the city of Baltimore, or in the shape of amendments to specified sections of the Public General Laws, withdrawing such sections from operation in one or more of the counties or in the city of Baltimore, are not included.

The new charter of Baltimore city, which embraces the whole body of the local statute law of the State applicable to the city, with the exception of a few acts passed at the session of 1898, after its adoption,<sup>1</sup> supplies in itself a full compilation of the

<sup>1</sup>These acts are as follows, viz:

- Chapter 10. Redivision of city into twenty-four wards.
- Chapter 138. Bail—Duty of clerk of criminal court and police justices as to accepting.
- Chapter 151. St. Martha's Episcopal House—Authorizing annual appropriation of \$500 for management of.
- Chapter 198. Bills of Exchange and Promissory Notes—Payable on Sunday, to be paid on Monday succeeding.  
Saturday—Half-holiday throughout the year in banking business.  
Computation of interest to include secular day on which payment of money shall be made.
- Chapter 210. Issue of \$1,875,000—To extinguish mortgages and loans of Western Maryland Railroad Company.
- Chapter 256. Judges of the Orphans' Court—Hours and per diem of.
- Chapter 327. Mortgage Debt—Entry of decree *in personam* to pay deficiency of, when proceeds of sale are insufficient.
- Chapter 361. Issue of \$6,000,000 registered bonds—\$1,750,000 thereof to pay for new court house and record office.
- Chapter 362. Hospital for Consumptives of Maryland—Authorizing annual appropriation, not exceeding \$4,000, for.
- Chapter 373. Sale of securities of sinking fund for redemption of City Hall six per cent., Jones' Falls six, five, three and sixty-five hundredths three and a half, and three per cent. loans, and funding six per cent. loan.
- Chapter 412. Insane Convicts—Removal of, from jail to Bayview Asylum.
- Chapter 429. Station—House Justices—Selection of.
- Chapter 444. Issue of \$4,500,000 city stock for streets, sewers and school buildings.
- Chapter 458. Hours of labor of city mechanics and laborers—Eight hours per day, legal—to whom this law not applicable.
- Chapter 474. Police—Duties of, regulated.
- Chapter 491. Horseshoeing—Regulations to prevent unlawful—board of examiners for horseshoers, duties of.
- Chapter 494. Police—Appropriation of fund for retirement of.
- Chapter 502. Mechanics' Liens—No lien hereafter allowed in Baltimore city for material men.
- Chapter 505. Stevedores to take out license and give bond to State in penalty of \$1,000—[The Criminal Court has decided this act to be unconstitutional *quoad* the bond.]

Public Local Laws relating to the city. And the Local Laws of the several counties are so diverse, so comparatively limited in their operation, and, as to each county, so easily ascertained, that the labor and expense of a supplement embracing their complete codification seems hardly to be demanded at this time.

In this work the changes in our Public Statute Law are reproduced as far as reasonably practicable in the articles and sections precisely as enacted.

But it has not been possible to adhere to this arrangement throughout, for the reason that in some cases the same numbers or designations by letters were erroneously given by the framers of the acts to different sections. Sometimes wrong numbers or letters were given. Again, the enumeration was not always successive. And again, it frequently happened that the Legislature failed to follow the constitutional provision making it their duty, "in amending any article or section of the Code," or in enacting "any Public General Law not amendatory of any article or section," to enact it "in articles and sections in the same manner as the Code is arranged."

Occasionally, too, new laws were passed as amendments of, or additions to articles not appropriately selected. For these and other reasons it will be found that in many instances the numbers and letters of sections in the published acts have been necessarily altered in order to give correctness, regularity and continuity to them and to prevent confusion.

Where laws were passed in disregard of the constitutional direction already alluded to, they have been codified either as entirely new articles or in appropriate places under existing articles.

JOHN PRENTISS POE.

OCTOBER 1, 1898.

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\*This article does not go into effect until January 1, 1899.

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\*Sections 18 to 22 inclusive, and sections 130 to 133 inclusive, as re-enacted by the Act of 1898, chapter 331, do not go into effect until January 1, 1899. Section 306 A, as enacted by the same Act, does not take effect until January 1, 1899. The repeal of sections 32 and 32 A, by the same Act, does not take effect until January 1, 1899.

# SUPPLEMENT TO THE MARYLAND CODE,

## PUBLIC GENERAL LAWS,

### 1890-1898.

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## ARTICLE I.

### RULES OF INTERPRETATION.

- 8A. Form of judicial and other oaths. | 13. Repealed by 1898, ch. 75.  
8B. Manner of administering oaths. |

1896, ch. 113.      1898, ch. 75.

**8A.** The form of judicial and all other oaths to be taken or administered in this State, and not prescribed by the Constitution, shall be as follows: "In the presence of Almighty God I do solemnly promise or declare," etc. And it shall not be lawful to add to any oath the words "So help me God," or any imprecatory words whatever.

Ibid.

**8B.** The manner of administering oaths shall be by requiring the person making the same to hold up his hand in token of his recognition of the solemnity of the act, except in those cases wherein this form is not practicable, or when it shall appear that some other mode is more binding upon the conscience of the swearer.

1898, ch. 75.

13. Repealed.

## ARTICLE V.

### APPEALS AND ERRORS.

#### Appeals from Courts of Law.

- 10A. Seal of judge not necessary to bills of exceptions.

#### Appeals from Courts of Equity.

27. Stay of execution by appeal bond; proviso.

#### Abatement in Court of Appeals.

- 76A. Case of death before or after judgment; proviso.

#### Appeals in Criminal Cases.

77. Bills of exception in criminal cases; affidavit of counsel; stay of execution; bail.

#### Appeals from Courts of Law.

1894, ch. 88.

10A. It shall not be necessary for the judge who signs a bill of exceptions to affix his seal thereto.

#### Appeals from Courts of Equity.

1890, ch. 82.

27. No appeal from any decree or order shall stay the execution or suspend the operation of such decree or order, unless the party praying the appeal shall give bond, with security, to indemnify the other party or parties from all loss or injury which said party or parties may sustain by reason of such appeal and the staying the execution or operation of such decree or order; such bond to be approved by the judge or clerk of the court where the proceedings are pending, and the penalty to be fixed by such court, and upon giving such bond the appeal shall stay the operation of all such decrees or orders; provided, however, that if in its discretion the court in which such proceedings are pending shall decide that the case is not a proper one for such stay, such court may pass an order upon such terms (as to duration, keeping an account, giving security, &c.) as to it may seem fit, directing that the decree or order appealed from shall not be stayed by such appeal, or only so far or on such terms as the court shall therein direct.

Co. Commrs. v. School Commrs., 77 Md. 292.

**Abatement in Court of Appeals.**

1898, ch. 29.

**76 A.** In any case in which the party plaintiff or party defendant shall have died, either before or after judgment or decree, the heir, executor, administrator or other proper person may, if he thinks proper, suggest the death and become a party in the place of such deceased party, and pray an appeal or writ of error, and appear to such appeal or writ of error for the purpose of prosecuting the same; provided such appeal or writ of error be prayed within the time prescribed in this article.

*Goldschmid vs. Meline*, 86 Md., 370.

**Appeals in Criminal Cases.**

1892, ch. 506.

**77.** The parties to criminal proceedings shall be entitled to bills of exceptions, in the same manner as in civil proceedings, and appeals from judgments in criminal cases may be taken in the same manner as in civil cases; but no appeal in a criminal case shall stay execution of sentence unless the counsel for the accused shall make oath that the appeal is not taken for delay; and such appeal shall be heard at the earliest convenient day after the same shall have been transmitted to the Court of Appeals; and the accused upon taking such appeal shall, in all cases not punishable by death, or imprisonment in the penitentiary, be entitled to remain on bail, and in other cases not capital, the court from which the appeal is taken shall have the discretionary power to admit to bail; provided that nothing herein contained shall be construed to prohibit the court from requiring additional or greater bail, pending an appeal, than the accused may already have given before conviction.

*Stout v. State*, 76 Md. 319. *Avirett v. State*, 76 Md. 515. *Izer v. State*, 77 Md. 111. *Annapolis v. Howard*, 80 Md. 245. *State v. Floto*, 81 Md. 602. *Mitchell v. State*, 82 Md. 531. *Salfner v. State*, 84 Md. 301. *State v. Williams*, 85 Md. 283. *Fox vs. State*, 89 Md. 384.

## ARTICLE VI.

### APPRENTICES.

24. Enticing apprentice; penalty and damages for. *Bona fide* sheltering of minor from ill-treatment.

1890, ch. 8.

24. Any person who shall entice any apprentice or other minor from the care, direction, service or employment of the parent, guardian or master of such apprentice or other minor, or who shall knowingly harbor any apprentice or other minor so enticed, shall forfeit the sum of twenty dollars, to be recovered before a justice of the peace by action of debt, in the name of the State, in the same manner as small debts; and the parent, guardian or other master of such apprentice or other minor shall also be entitled to recover damages in an action on the case against the person so offending; but no person who in good faith receives, harbors, persuades away, or otherwise removes from a parent, guardian or master, any minor for the purpose of sheltering such minor from ill-treatment or suffering, shall be held to incur any liability therefor.

## ARTICLE IX.

### ATTACHMENTS.

#### Sale of Attached Property.

26. Sale *pendente lite* of property attached, how and when ordered by the court.

#### Amendment.

27. All papers in attachment proceedings may be amended.

#### Attachments on Original Process for Fraud.

35. Attachments on original process; in what cases to be issued. Affidavit of attaching creditor.

39. Plaintiff to give bond. Condition and penalty of bond.

#### Several Attachments.

- 44 A. Service of writ. Setting up of short note.

#### Claimants of Property.

45. Claimant of property under attachment or execution. Petition and proceedings.

#### Attachment Before Maturity of Plaintiff's Claim.

48. Attachment proceedings before maturity of the plaintiff's claim.

**Sale of Attached Property.**

1892, ch. 642.

**26.** Any of the courts of this State in which any attachment suit is pending either on original or appellate jurisdiction, or any judge thereof in vacation, may order a sale of any property which may be levied on by virtue of such attachment whenever the court or judge may deem such sale expedient and for the better promotion of the ends of justice, on such terms and notice as the order may prescribe, and such sale may be ordered before or after the return of the attachment, and the proceeds of such sale after the payment of the expenses incident thereto, shall be paid into court and deposited with the clerk, subject to the order of the court on the final decision of the case.

**Amendments.**

1898, ch. 44.

**27.** The affidavit, short note, declaration, voucher, pleadings, interrogatories, claim of property and all other papers in attachment proceedings may be amended in the same manner and to the same extent as the proceedings in any other suits or actions at law, so that all attachment cases may be tried on their real merits and the purposes of justice subserved; nor shall any attachment proceedings be quashed or set aside for any defect in mere matter of form.

Blair v. Winston, 84 Md. 361.

**Attachments on Original Process for Fraud.**

1892, ch. 510.

**35.** Every person and body corporate that has the right to become a plaintiff in any action or proceeding, before any judicial tribunal in this State, shall have the right to proceed by attachment in the following cases, upon the conditions and in the manner herein provided. Before any such writ of attachment shall be issued, the plaintiff or some person in his behalf, shall make an affidavit before the clerk of the court from which said attachment shall issue, or before some officer authorized by the laws of the State of Maryland to take affidavits, as enumerated in section five of this article, stating that the defendant or defendants, named in the writ of attachment, is or are *bona fide* indebted to the plaintiff or plaintiffs in the sum of——dollars,

over and above all discounts; and that the plaintiff knows or has good reason to believe, either, (first) that the debtor is about to abscond from this State, or (second) that the defendant has assigned, disposed of, or concealed, or is about to assign, dispose of or conceal his property or some portion thereof, with intent to defraud his creditors, or (third) that the defendant fraudulently contracted the debt or incurred the obligation respecting which the action is brought, or (fourth) that the defendant has removed or is about to remove his property, or some portion thereof, out of the State with intent to defraud his creditors.

*Sanborn v. Mullen*, 77 Md. 481.

1894, ch. 104.

**38.** Every clerk, before issuing an attachment under the preceding section, shall take from the plaintiff or some person on his behalf, bond to the State of Maryland, with security to be approved by said clerk, in double the sum alleged to be due by the defendant or defendants, conditioned for satisfying all costs which may be awarded to such defendant or defendants or to any other persons interested in the proceedings, and all damages which the defendant or defendants, or any other persons interested in the proceedings, shall suffer because of the wrongful suing out of said attachment, which bond shall be filed in the office of the clerk issuing such attachment: the condition of said bond shall be substantially in the following form. The condition of this obligation is such, that whereas the above bounden ——— hath on the day of the date hereof, ordered an attachment out of (naming the court from which said attachment shall issue) at the suit of ——— vs. ———, for the sum of ———, and the same being about to be sued out of said court, returnable on the ——— day of ——— next; now if the said ——— shall prosecute his suit with effect, or in the case of failure thereof shall well and truly pay and satisfy the said ——— and any other person interested in the proceedings, all such costs of said suit, and all such damages as he or they shall or may suffer or incur by reason of the wrongful suing out of such attachment, then the above obligation to be void, otherwise to remain in full force and effect. Every attachment hereafter issued without a bond and affidavit

taken as aforesaid, is hereby declared illegal and void and shall be dismissed.

*McLuckie v. Williams*, 68 Md. 265.

### **Several Attachments.**

1890, ch. 549.

**44** A. A writ of attachment may be served upon any person by way of garnishment wherever he may be found, either by the sheriff of the jurisdiction where said person may be, or by the sheriff of the jurisdiction where the writ issues; when a writ of attachment is served upon anyone outside of the locality of his place of business or residence, the short note shall be set up at the court house door of the county or city where the writ is served, by the officer serving the same, and upon the return of the writ, a duplicate short note shall be sent by the clerk of the court where the writ issues to the sheriff of that city or county to be set up by him at the court house door of said city or county, and the service of any writ and the posting of any short note, wherever a writ of attachment may have been or shall be served and the short note set up in manner as herein provided shall be valid, and said writs of attachment shall be returned to the courts whence they are issued as other writs are required to be returned.

### **Claimants of Property.**

1892, ch. 507.

**45.** Whenever an attachment or execution shall be levied upon any personal property, goods or chattels, which may be claimed by a person or corporation other than the defendant in such attachment or execution, such person or corporation may file a petition under oath, with the court before whom such attachment or execution is returnable, setting forth clearly the character and origin of his, her or its claim to the property so levied upon, and thereupon it shall be the duty of the clerk to docket a suit against both the plaintiff and defendant in such attachment or execution and issue a summons directed to said plaintiff and defendant, giving notice of such claim and returnable to the next succeeding rule day or term of said court. If such claimant shall establish the validity of his, her or its claim to said property, costs shall be awarded to said claimant, and said claimant shall also be entitled to recover damages in such suit

for the wrong and injury done to him, her or it by reason of such seizure and detention of his, her or its property.

#### **Attachment Before Maturity of Plaintiff's Claim.**

1894, ch. 648.

**48.** Although the debt or obligation upon which the action is brought may not have matured, the creditor may, nevertheless, proceed by attachment, as heretofore provided, in the following cases: (1) When the debtor absconds; (2) when he has assigned, disposed of or concealed or is about to assign, dispose of or conceal his property or some part thereof, with intent to defraud his creditors; (3) when he is about to abscond from this State; (4) when he has fraudulently contracted the debt or incurred the obligation respecting which the action is brought; or (5) when he has removed or is about to remove his property, or some portion thereof, out of this State, with intent to defraud his creditors. The date of the maturity of the debt or obligation shall be set forth in the affidavit upon which the attachment is to issue, and the plaintiff shall not be entitled to judgment either in the short note or in the attachment case until after the maturity of the debt or obligation.

## ARTICLE X.

### **ATTORNEYS AT LAW AND ATTORNEYS IN FACT.**

#### **Admission to the Bar.**

2. Application for admission to the bar to be made to the Court of Appeals. State Board of Law Examiners.
3. Applications to be referred by Court of Appeals to State Board of Law Examiners.
- 4, 5. Repealed by 1898, ch. 139.
6. Admission without examination of lawyers from other States. To whom not applicable.

7, 8. Repealed by 1898, ch. 139.

#### **Free Inspection of Records by Practitioners.**

- 9A. Practitioners entitled to examine records, etc., without payment of fees therefor.

#### **Who May Not Practice.**

15. Register of Wills and clerks may not practice while holding office.

**Admission to the Bar.**

1898, ch. 139.

2. All applications for admission to the bar in this State shall be made by petition to the Court of Appeals. A State Board of Law Examiners is hereby created, to consist of three members of the bar of at least ten years' standing, who shall be appointed by the Court of Appeals, and shall hold office for the term of three years. Said appointment shall be made as follows: As soon after the passage of this act as possible the Court of Appeals shall appoint three law examiners. Said examiners shall hold office for one, two and three years respectively, to be designated by the judges of the Court of Appeals. After the first appointment the Court of Appeals shall annually appoint a member of said board in the place of the examiner whose term shall expire. Members of said board shall be eligible to reappointment. In case of any vacancy in said board by reason of death, resignation or otherwise, the Court of Appeals shall fill said vacancy by the appointment of a member of said board to serve until the expiration of the term for which the person so dying or resigning had been appointed.

1892, ch. 37. 1898, ch. 139.

3. All applications for admission to the bar shall be referred by the Court of Appeals to the State Board of Law Examiners, who shall examine the applicant touching his qualifications for admission to the bar. The said board shall report their proceedings in the examination of applicants to the Court of Appeals, with any recommendations said board may desire to make. If the Court of Appeals shall then find the applicant to be qualified to discharge the duties of an attorney, and to be of good moral character and worthy to be admitted, they shall pass an order admitting him to practice in all the courts of this State. The Court of Appeals shall prescribe rules providing for a uniform system of examinations in this State, which shall govern the Board of Law Examiners in the performance of its duties. The expenses of said board, including such compensation to the members thereof as the Court of Appeals may determine, shall be paid out of the fees of the applicants. No one shall be examined who shall not have studied the law in a law

school in any part of the United States or in the office of a member of the bar of this State for at least two years. Every applicant, upon presenting himself for examination before the Board of Law Examiners, shall pay to the treasurer of the board such fee, not exceeding twenty-five dollars, as may be fixed by the Court of Appeals. On payment of one examination fee the applicant shall be entitled to the privilege of three examinations, but no more. Any fraudulent act or representation by an applicant in connection with his application or examination shall be sufficient cause for the revocation of the order admitting him to practice. The Board of Law Examiners shall render an annual account of their expenses to the Court of Appeals. The provisions of this and the preceding section shall not apply to those students who shall have matriculated at the law department of the University of Maryland, or the Baltimore University School of Law prior to the first day of January, 1898, but such students shall be admitted upon the production of their diplomas of graduation as heretofore.

*3 A. admitting Women 1902 ch. 399,*  
1898, ch. 189.

4. Repealed.

Ibid.

5. Repealed.

Ibid.

6. Members of the bar of any State, district or territory of the United States, who, for five years after admission, have been engaged as practitioners, judges, or teachers of law, shall be admitted without examination on proof of good moral character, after becoming actual residents of this State. Members of the bar of any other State, district or territory of the United States, who may be employed as counsel in any case pending before any of the courts of this State, may be admitted for all the purposes of the case in which they are so employed by the court before which said case is pending, without examination. Nothing herein contained shall be construed to deprive the courts of this State of the power, as at present existing, of disbaring or otherwise punishing members of the bar.

Ibid.

7. Repealed.

1898, ch. 139.

8. Repealed.

**Free Inspection of Records by Practitioners.**

1898, ch. 166.

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126  
9 A. All persons who are now or shall hereafter be admitted to practice law in any court of this State, or their duly authorized representative, shall be entitled to inspect and examine the records and indexes in the clerk's office of the circuit courts in this State, and the courts constituting the Supreme Bench of Baltimore City, and in the offices of the register of wills in this State, and of the Commissioner of the Land Office, and to make memoranda or notes therefrom for any lawful purpose without payment of fees therefor.

11A-11B-1900 ch. 309  
12A-1900 ch. 13, 4  
Who May Not Practice.  
1898, ch. 472.

15. No register of wills or clerk of any court shall practice as attorney at law in any of the courts of this State of which he is such register or clerk, nor shall any deputy clerk of any court practice as attorney at law in any court of this State, of which he is an officer, or to which he may be attached as a deputy or assistant officer.

16A. 1900 ch. 699,

## ARTICLE XI.

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**Savings Banks.**

7A. Treasurers of banks shall give to comptroller list of depositors not heard from for 20 years; proviso.

7B. Penalty for neglect.

**Banking Associations.**

10. Banking Associations shall make five annual reports to State treasurer—Special reports.

31. Treasurer to appoint bank examiner. Affairs of banks to be

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32. Bank failing to comply shall forfeit charter. Appointment of receivers.

38. Associations affected by these provisions shall be subject only to authorized visitatorial powers.

34. Compensation of examiners.

35. To what banks these provisions shall not apply.

**Savings Banks.**

1894, ch. 329.

**7A.** In the month of October, in the year 1895, and in every second year thereafter, the treasurer of every savings bank or savings institution in the State of Maryland, shall deliver to the comptroller a written statement sworn to by him or by the president of such savings bank, containing the name and amount standing to his or her credit, of every depositor who shall not have made any deposit therein or withdrawn any money upon their accounts for the period of twenty years next prior to the first day of the preceding September; provided, that this section shall not apply to the deposit made by any person known to the said treasurer to be living. The comptroller shall communicate the statements which shall be so delivered to him to the General Assembly in his next report.

Ibid.

**7B.** Any treasurer of any savings bank in the State of Maryland who shall fail or neglect to comply with the provisions of the preceding section, shall be subject to a fine of five hundred dollars for each failure or neglect, to be recovered by indictment in the circuit court for the county where the savings bank may be located, or in the Criminal Court of Baltimore, as the case may be.

**Banking Associations.**

1898, ch. 277.

**10.** Every banking association authorized by its charter to do a banking business in this State, shall make to the Treasurer of the State of Maryland not less than five reports during each year according to the form which may be prescribed by him, which reports shall be verified by the oath or affirmation of the president, cashier or treasurer of such association or trust company, and attested by the signatures of at least three of the directors thereof, such oath or affirmation to be made before any officer of this State authorized to take acknowledgments of deeds, and every report so made shall exhibit in detail and under appropriate heads, the resources and liabilities of such association, at the close of business on any past day by him, the treasurer, specified, and which said reports respectively shall be

transmitted to the treasurer of this State within five days after the receipt of his request or requisition therefor, and a summary of such report shall be published in some newspapers published in the city or county where such association in this State may be located, and if there be no newspapers published in such city or county, then such summary shall be published in a newspaper published in a county adjacent thereto ; the publication of which said reports shall be at the expense of the respective associations in this State, thus making the same ; and such proof of publication shall be furnished as may be required by the treasurer. The treasurer shall also have power to call for special reports from any such association in this State, whenever in his judgment the same are necessary in order to invest him with a full and complete knowledge of its condition.

1898, ch. 277.

**31.** It shall be the duty of the treasurer of this State, with the approval of the Governor, to appoint from time to time an examiner to visit each and every association mentioned in this article, doing business in this State, (excepting State banks which may be members of the Baltimore Clearing Association, and as such required regularly to submit to examination by a national bank examiner,) at least once in each year, or oftener, if in his judgment it may be necessary, for the purpose of making a full and careful investigation of, and inquiry into the condition and affairs of such bank, and for that purpose the treasurer of this State or his duly appointed examiner, is hereby authorized and empowered to administer oaths or affirmations, and examine under oath or affirmation the owners and directors, and all officers and employes and agents of such bank, and the examiner making such examination shall reduce the result thereof to writing, giving a full, true and careful statement of the condition of said bank, but no person shall be so appointed an examiner for the purpose of investigating the condition of the affairs of any bank in this State, who shall be an officer, agent or employe thereof.

Ibid.

**32.** Whenever the treasurer of this State shall become satisfied that any of the associations mentioned in this article have

failed to comply with the provisions thereof, he shall have the right by his certificate, with the approval of the Governor, to declare the charter of such association, company or corporation forfeited, and said certificate shall be conclusive evidence of such forfeiture, and thereafter he shall appoint, with the assent of the Governor, a receiver of all the assets of such association, and the receiver so appointed shall thereupon by his petition submit himself and his administration of said assets to the jurisdiction of any court of the county or city where such association, company or corporation may have its principal office, having chancery jurisdiction, with the view of converting said assets into cash for distribution, under the orders of such court, to the persons entitled thereto; or he may be brought into such court in due course. The receiver so appointed, before further proceeding upon the discharge of his duties, shall give bond in such penalty as may be prescribed by said court, and the proceedings thereafter had in said court shall conform to the practice of courts of this State having general chancery jurisdiction, where a receiver may be appointed by a decree thereof. If any receiver so appointed by the treasurer, with the assent of the Governor, shall from any cause fail to file said petition, or to give the required bond within five days after the date of his appointment, the treasurer shall thereupon, with the approval of the Governor, appoint some other person receiver in the place and stead of the person first appointed, and such person shall proceed to take charge of and administer the assets of such association in the same manner as if he had been the receiver first appointed; and if from any cause any vacancy in the receivership shall occur after the filing of said petition, and the giving of said bond, such vacancy shall be filled by a decree of the court wherein such petition shall have been filed.

1898, ch. 277.

**33.** No association affected by the provisions of this article shall be subject to any visitatorial powers other than such as are authorized by this article and its charter.

Ibid.

**34.** The persons appointed to be examiners of the associations affected by this article shall receive as compensation for such examinations, the following sums of moneys—that is to say:

I. For examining any of the associations affected by this article having a capital stock of fifty thousand dollars or less, the sum of fifteen dollars.

II. For examining any of the associations affected by this article having a capital stock of over fifty thousand dollars, and not more than one hundred thousand dollars, the sum of twenty-five dollars.

III. For examining any of the associations affected by this article having a capital stock of over one hundred thousand dollars, and not more than two hundred thousand dollars, the sum of thirty dollars.

IV. For examining any of the associations affected by this article having a capital stock of over two hundred thousand dollars, and not more than three hundred thousand dollars, the sum of fifty dollars.

V. For examining any of the associations affected by this article having a capital stock of over three hundred thousand dollars, and not more than four hundred thousand dollars, the sum of sixty dollars.

VI. For examining any of the associations affected by this article having a capital stock of over four hundred thousand dollars, and not more than six hundred thousand dollars, the sum of seventy-five dollars.

VII. For examining any of the associations affected by this article having a capital stock of over six hundred thousand dollars, and less than one million dollars, the sum of one hundred dollars.

VIII. For examining any of the associations affected by this article having a capital stock of one million dollars or over, the sum of one hundred and twenty-five dollars.

1898, ch. 277.

**35.** The provisions of sections 10, 31, 32, 33 and 34 of this article shall not apply to savings banks having no capital stock, building or homestead associations or national banks, or to corporations authorized by their charters to transact a trust, fidelity,

surety or deposit business in this State for which provision is made by section 85 ~~2~~ of article 23, title "Corporations," sub-title "General Regulations," as enacted by the Act of 1896, chapter 160.

## ARTICLE XII.

### BASTARDY AND FORNICATION.

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|---|---|
| <p>2. Arrest of putative father.</p> <p>5. Right of appeal by alleged father. Security to be given by him. Proviso.</p> | <p>9. Court may make order to discharge the obligors in the recognizance,</p> |
|---|---|

1894, ch. 108.

2. But if the said person shall on oath discover the father of such child, the justice shall discharge her, and shall cause to be arrested and brought before him such father, if a resident of the county, and shall cause him to give security in the sum of eighty dollars (\$80) to indemnify the county from all charges that may arise for the maintenance of such child ; and upon the failure of such putative father to enter into security, the justice shall commit him to the custody of the sheriff of the county for the period of twelve months.

Lynn v. State, 84 Md. 78.

Ibid.

5. But if any person charged with being the father of an illegitimate child shall feel aggrieved by the judgment of the justice, he shall have the right to enter into his personal recognizance for his appearance at the next circuit court for the county, or the Criminal Court of Baltimore, if in the city of Baltimore, and the said court shall take cognizance thereof, and such proceedings shall be thereupon had as in other criminal cases; and if the person so charged shall be found guilty by the verdict of a jury, or by the court, if the case be tried before the court, the court shall immediately order such person to give security to indemnify the county from any charges that may occur

for the maintenance of said child ; and if he shall neglect or refuse to give such security he shall be committed to the custody of the sheriff until he comply ; provided that such custody shall not continue longer than twelve months, nor less than six months in the discretion of the court ; but such personal recognizance shall not entitle him to be discharged from the custody of the sheriff, unless he shall enter into an additional recognizance, to be taken in the name of the State, with good and sufficient sureties, to indemnify the county from all charges that may arise from the maintenance of such child in case he shall fail to make his appearance and abide by and perform such order as shall be passed therein ; and such last-named recognizance shall be liable to be proceeded against as is provided in sections 7 and 8 of this article.

1898, ch. 54.

9. Whenever any principal, surety or other person in interest upon competent testimony makes it to appear to the satisfaction of any court in which a recognizance in any bastardy case is entered up, that by reason of the death of the child, or by reason of the payment of all dues arising under said recognizance, or for any other reason, the recognizance should be discharged, the court may make such order of discharge or annulment of the recognizance or such other order as may be deemed appropriate by the court to discharge the obligors in the recognizance and the record of the entry of such recognizance.

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- 116. To whom notice may be given.
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**Legal Holidays.**

1890, ch. 288.

9. The following days in each and every year, viz: the first day of January, commonly called "New Year's day;" the twenty-second day of February, known as "Washington's Birthday;" the fourth day of July, called "Independence Day;" the twenty-fifth day of December, known as "Christmas Day;" "Good Friday;" the thirtieth day of May, commonly called "Decoration Day;" all days of general and congressional elections throughout the State and all special days that may be appointed or recommended by the Governor of this State, or the president of the United States, as days of thanksgiving, or fasting and prayer, or other religious observance, or for the general cessation of business,

shall be regarded as legal holidays, and shall be duly observed as such, and shall for all purposes whatsoever as regards the presenting for payment or acceptance and of the protesting and giving notice of the dishonor of bills of exchange, bank checks, drafts and promissory notes be treated and considered as the first day of the week, commonly called "Sunday;" and all such bills, drafts, checks and notes presented for payment or acceptance on these said days, shall be deemed to be presentable for acceptance or payment on the secular or business day next preceding such holiday.

*Handy v. Maddox*, 85 Md. 549.

1896, ch. 106.

**12.** On all notes, drafts, checks, acceptances, bills of exchange bonds, or other evidences of indebtedness, made, drawn or accepted by any person or corporation after the 27th day of March, 1896, and in which there is no expressed stipulation to the contrary, no grace according to the custom of merchants shall be allowed, but the same shall be due and payable, as therein expressed without grace.

## NEGOTIABLE INSTRUMENTS ACT.

### CHAPTER I—General Provisions.

1898, ch. 119.

**13.** This Act, consisting of sections 13 to 208, both inclusive, of this article, shall be known as the Negotiable Instruments Law.

**14.** In this Act, unless the context otherwise requires:

"Acceptance" means an acceptance completed by delivery or notification.

"Action" includes counter-claim and set-off.

"Bank" includes any person or association of persons carrying on the business of banking, whether incorporated or not.

"Bearer" means the person in possession of a bill or note which is payable to bearer.

"Bill" means bill of exchange, and "note" means negotiable promissory note.

“Delivery” means transfer of possession, actual or constructive, from one person to another.

“Holder” means the payee or endorsee of a bill or note, who is in possession of it, or the bearer thereof.

“Indorsement” means an indorsement completed by delivery.

“Instrument” means negotiable instrument.

“Issue” means the first delivery of the instrument, complete in form to a person who takes it as a holder.

“Person” includes a body of persons, whether incorporated or not.

“Value” means valuable consideration.

“Written” includes printed, and “writing” includes print.

15. The person “primarily” liable on an instrument is the person who by the terms of the instrument is absolutely required to pay the same. All other parties are “secondarily” liable.

16. In determining what is a “reasonable time” or an “unreasonable time,” regard is to be had to the nature of the instrument, the usage of trade or business, (if any,) with respect to such instruments, and the facts of the particular case.

17. Where the day, or the last day, for doing any act herein required or permitted to be done falls on Sunday or on a holiday, the act may be done on the next succeeding secular or business day.

18. The provisions of this act do not apply to negotiable instruments made and delivered prior to the passage hereof.

19. In any case not provided for in this act, the rules of the law merchant shall govern.

Upon the adoption of this act, all laws inconsistent with the provisions hereof are hereby expressly repealed.

## **CHAPTER II—Negotiable Instruments in General. Form and Interpretation.**

20. An instrument to be negotiable must conform to the following requirements:

1. It must be in writing and signed by the maker or drawer ;
2. Must contain an unconditional promise or order to pay a sum certain in money ;
3. Must be payable on demand, or at a fixed or determinable future time ;
4. Must be payable to order or to bearer ; and
5. Where the instrument is addressed to a drawee, he must be named or otherwise indicated therein with reasonable certainty.

**21.** The sum payable is a sum certain within the meaning of this act, although it is to be paid :

1. With interest ; or
2. By stated instalments ; or
3. By stated instalments, with a provision, that upon default in payment of any instalment or of interest, the whole shall become due ; or
4. With exchange, whether at a fixed rate or at the current rate ; or
5. With costs of collection or an attorney's fee, in case payment shall not be made at maturity.

**22.** An unqualified order or promise to pay is unconditional within the meaning of this act, though coupled with :

1. An indication of a particular fund out of which reimbursement is to be made, or a particular account to be debited with the amount ; or
2. A statement of the transaction which gives rise to the instrument.

But an order or promise to pay out of a particular fund is not unconditional.

**23.** An instrument is payable at a determinable future time, within the meaning of this act, which is expressed to be payable :

1. At a fixed period after date or sight ; or
2. On or before a fixed or determinable future time specified therein ; or

3. On or at a fixed period after the occurrence of a specified event, which is certain to happen, though the time of happening be uncertain.

An instrument payable upon a contingency is not negotiable, and the happening of the event does not cure the defect.

**24.** An instrument which contains an order or promise to do any act in addition to the payment of money is not negotiable. But the negotiable character of an instrument otherwise negotiable is not affected by a provision which :

1. Authorizes the sale of collateral securities in case the instrument be not paid at maturity ; or

2. Authorizes a confession of judgment if the instrument be not paid at maturity ; or

3. Waives the benefit of any law intended for the advantage or protection of the obligor ; or

4. Gives the holder an election to require something to be done in lieu of payment of money.

But nothing in this section shall validate any provision or stipulation otherwise illegal.

**25.** The validity and negotiable character of an instrument are not affected by the fact that :

1. It is not dated ; or

2. Does not specify the value given, or that any value has been given therefor ; or

3. Does not specify the place where it is drawn, or the place where it is payable ; or

4. Bears a seal ; or

5. Designates a particular kind of current money in which payment is to be made.

But nothing in this section shall alter or repeal any statute requiring in certain cases the nature of the consideration to be stated in the instrument.

**26.** An instrument is payable on demand :

1. Where it is expressed to be payable on demand, or at sight, or on presentation ; or

2. In which no time for payment is expressed.

Where an instrument is issued, accepted, or indorsed when overdue, it is, as regards the person so issuing, accepting, or indorsing it, payable on demand.

**27.** The instrument is payable to order where it is drawn payable to the order of a specified person, or to him or his order. It may be drawn payable to the order of :

1. A payee who is not maker, drawer or drawee ; or
2. The drawer or maker ; or
3. The drawee ; or
4. Two or more payees jointly ; or
5. One or some of several payees ; or
6. The holder of an office for the time being.

When the instrument is payable to order, the payee must be named or otherwise indicated therein with reasonable certainty.

**28.** The instrument is payable to bearer :

1. When it is expressed to be so payable ; or
2. When it is payable to a person named therein or bearer ; or
3. When it is payable to the order of a fictitious or non-existing person ; and such fact was known to the person making it so payable ; or
4. When the name of the payee does not purport to be the name of any person ; or
5. When the only or last indorsement is an indorsement in blank.

**29.** The instrument need not follow the language of this Act, but any terms are sufficient which clearly indicate an intention to conform to the requirements hereof.

**30.** Where the instrument or an acceptance or any indorsement thereon is dated, such date is deemed *prima facie* to be the true date of the making, drawing, acceptance or indorsement, as the case may be.

31. The instrument is not invalid for the reason only that it is ante-dated or post-dated, provided this is not done for an illegal or fraudulent purpose. The person to whom an instrument so dated is delivered acquires the title thereto as of the date of delivery.

32. Where an instrument expressed to be payable at a fixed period after date is issued undated, or where the acceptance of an instrument payable at a fixed period after sight is undated, any holder may insert therein the true date of issue or acceptance, and the instrument shall be payable accordingly. The insertion of a wrong date does not avoid the instrument in the hands of a subsequent holder in due course; but as to him, the date so inserted is to be regarded as the true date.

33. Where the instrument is wanting in any material particular, the person in possession thereof has a *prima facie* authority to complete it by filling up the blanks therein. And a signature on a blank paper delivered by the person making the signature in order that the paper may be converted into a negotiable instrument, operates as a *prima facie* authority to fill it up as such for any amount. In order, however, that any such instrument, when completed, may be enforced against any person who become a party thereto prior to its completion, it must be filled up strictly in accordance with the authority given, and within a reasonable time. But if any such instrument, after completion, is negotiated to a holder in due course, it is valid and effectual for all purposes in his hands, and he may enforce it as if it had been filled up strictly in accordance with the authority given, and within a reasonable time.

34. Where an incomplete instrument has not been delivered, it will not, if completed and negotiated, without authority, be a valid contract in the hands of any holder, as against any person whose signature was placed thereon before delivery.

35. Every contract on a negotiable instrument is incomplete and revocable until delivery of the instrument for the purpose of giving effect thereto. As between immediate parties, and as regards a remote party other than a holder in due course, the

delivery, in order to be effectual, must be made either by, or under the authority of the party making, drawing, accepting or indorsing, as the case may be; and in such case, the delivery may be shown to have been conditional, or for a special purpose only, and not for the purpose of transferring the property in the instrument. But where the instrument is in the hands of a holder in due course, a valid delivery thereof by all parties prior to him, so as to make them liable to him, is conclusively presumed. And where the instrument is no longer in the possession of a party whose signature appears thereon, a valid and intentional delivery by him is presumed until the contrary is proved.

**36.** Where the language of the instrument is ambiguous, or there are omissions therein, the following rules of construction apply:

1. Where the sum payable is expressed in words and also in figures, and there is a discrepancy between the two, the sum denoted by the words is the sum payable; but if the words are ambiguous or uncertain, references may be had to the figures to fix the amount.

Y 2. Where the instrument provides for the payment of interest, without specifying the date from which interest is to run, the interest runs from the date of the instrument, and if the instrument is undated, from the issue thereof;

3. Where the instrument is not dated, it will be considered to be dated as of the time it was issued;

4. Where there is a conflict between the written and printed provisions of the instrument, the written provisions prevail;

5. Where the instrument is so ambiguous that there is doubt whether it is a bill or note, the holder may treat it as either, at his election;

6. Where a signature is so placed upon the instrument that it is not clear in what capacity the person making the same intended to sign, he is to be deemed an endorser;

7. Where an instrument containing the words, "I promise to pay," is signed by two or more persons, they are deemed to be jointly and severally liable thereon.

**37.** No person is liable on the instrument whose signature does not appear thereon, except as herein otherwise expressly provided. But one who signs in a trade or assumed name will be liable to the same extent as if he had signed in his own name.

**38.** The signature of any party may be made by a duly authorized agent. No particular form of appointment is necessary for this purpose; and the authority of the agent may be established as in other cases of agency.

**39.** Where the instrument contains, or a person adds to his signature, words indicating that he signs for or on behalf of a principal, or in a representative capacity, he is not liable on the instrument if he was duly authorized; but the mere addition of words describing him as an agent, or as filling a representative character, without disclosing his principal, does not exempt him from personal liability.

**40.** A signature by "procuration" operates as notice that the agent has but a limited authority to sign, and the principal is bound only in case the agent in so signing acted within the actual limits of his authority.

**41.** The indorsement or assignment of the instrument by a corporation or by an infant passes the property therein, notwithstanding that from want of capacity the corporation or infant may incur no liability thereon.

**42.** Where a signature is forged, or made without authority of the person whose signature it purports to be, it is wholly inoperative, and no right to retain the instrument, or to give a discharge therefor, or to enforce payment thereof against any party thereto, can be acquired through or under such signature, unless the party, against whom it is sought to enforce such right, is precluded from setting up the forgery or want of authority.

### CHAPTER III—Consideration of Negotiable Instruments.

**43.** Every negotiable instrument is deemed *prima facie* to have been issued for a valuable consideration; and every person

whose signature appears thereon to have become a party thereto for value.

**44.** Value is any consideration sufficient to support a simple contract. An antecedent or pre-existing debt constitutes value; and it is deemed such whether the instrument is payable on demand or at a future time.

**45.** Where value has at any time been given for the instrument, the holder is deemed a holder for value in respect to all parties who became such prior to that time.

**46.** Where the holder has a lien on the instrument, arising either from contract or by implication of law, he is deemed a holder for value to the extent of his lien.

**47.** Absence or failure of consideration is matter of defense as against any person not a holder in due course; and partial failure of consideration is a defense *pro tanto*, whether the failure is an ascertained and liquidated amount or otherwise.

**48.** An accommodation party is one who has signed the instrument as maker, drawer, acceptor or indorser, without receiving value therefor, and for the purpose of lending his name to some other person. Such a person is liable on the instrument to a holder for value, notwithstanding such holder at the time of taking the instrument knew him to be only an accommodation party.

#### CHAPTER IV—Negotiation.

**49.** An instrument is negotiated when it is transferred from one person to another in such manner as to constitute the transferee the holder thereof.

If payable to bearer, it is negotiated by delivery; if payable to order, it is negotiated by the indorsement of the holder completed by delivery.

**50.** The indorsement must be written on the instrument itself or upon paper attached thereto. The signature of the indorser, without additional words, is a sufficient indorsement.

**51.** The indorsement must be an indorsement of the entire instrument. An indorsement which purports to transfer to the indorsee a part only of the amount payable, or which purports to transfer the instrument to two or more indorsees severally, does not operate as a negotiation of the instrument. But where the instrument has been paid in part, it may be indorsed as to the residue.

**52.** An indorsement may be either special or in blank ; and it may be either restrictive or qualified, or conditional.

**53.** A special indorsement specifies the person to whom, or to whose order, the instrument is to be payable ; and the indorsement of such indorsee is necessary to the further negotiation of the instrument. An indorsement in blank specifies no indorsee, and an instrument so indorsed is payable to bearer, and may be negotiated by delivery.

**54.** The holder may convert a blank indorsement into a special indorsement by writing over the signature of the indorser in blank any contract consistent with the character of the indorsement.

**55.** An indorsement is restrictive, which either :

1. Prohibits the further negotiation of the instrument ; or
2. Constitutes the indorsee the agent of the indorser ; or
3. Vests the title in the indorsee in trust for or to the use of some other person. But the mere absence of words implying power to negotiate does not make an indorsement restrictive.

**56.** A restrictive indorsement confers upon the indorsee the right :

1. To receive payment of the instrument ;
2. To bring any action thereon that the indorser could bring ;
3. To transfer his rights as such indorsee, where the form of the indorsement authorizes him to do so.

But all subsequent indorsees acquire only the title of the first indorsee under the restrictive indorsement.

**57.** A qualified indorsement constitutes the indorser a mere assignor of the title to the instrument. It may be made by adding to the indorser's signature the words "without recourse," or any words of similar import. Such an indorsement does not impair the negotiable character of the instrument.

**58.** Where an indorsement is conditional, a party required to pay the instrument may disregard the condition, and make payment to the indorsee or his transferee, whether the condition has been fulfilled or not. But any person to whom an instrument so indorsed negotiated, will hold the same, or the proceeds thereof, subject to the rights of the person indorsing conditionally.

**59.** Where an instrument payable to bearer, is indorsed specially, it may, nevertheless, be further negotiated by delivery; but the person indorsing specially is liable as indorser to only such holders as make title through his indorsement.

**60.** Where the instrument is payable to the order of two or more payees or indorsees who are not partners, all must indorse, unless the one indorsing has authority to indorse for the others.

**61.** Where an instrument is drawn or indorsed to a person as "cashier" or other fiscal officer of a bank or corporation, it is deemed *prima facie* to be payable to the bank or corporation of which he is such officer; and may be negotiated by either the indorsement of the bank or corporation, or the indorsement of the officer.

**62.** Where the name of a payee or indorsee is wrongly designated or misspelled, he may indorse the instrument as therein described, adding, if he think fit, his proper signature.

**63.** Where any person is under obligation to indorse in a representative capacity, he may indorse in such terms as to negative personal liability.

**64.** Except where an indorsement bears date after the maturity of the instrument, every negotiation is deemed *prima facie* to have been effected before the instrument was overdue.

**65.** Except where the contrary appears, every indorsement is presumed *prima facie* to have been made at the place where the instrument is dated.

**66.** An instrument negotiable in its origin continues to be negotiable until it has been restrictively indorsed or discharged by payment or otherwise.

**67.** The holder may at any time strike out any indorsement which is not necessary to his title. The indorser whose indorsement is struck out, and all indorsers subsequent to him, are hereby relieved from liability on the instrument.

**68.** Where the holder of an instrument payable to his order transfers it for value without indorsing it, the transfer vests in the transferee such title as the transferer had therein; and the transferee acquires, in addition, the right to have the indorsement of the transferer. But for the purpose of determining whether the transferee is a holder in due course, the negotiation takes effect as of the time when the indorsement is actually made.

**69.** Where an instrument is negotiated back to a prior party, such party may, subject to the provisions of this act, re-issue and further negotiate the same. But he is not entitled to enforce payment thereof against any intervening party to whom he was personally liable.

#### CHAPTER V—Rights of Holder.

**70.** The holder of negotiable instrument may sue thereon in his own name; and payment to him in due course discharges the instrument.

**71.** A holder in due course is a holder who has taken the instrument under the following conditions:

1. That it is complete and regular on its face.
2. That he became the holder of it before it was overdue, and without notice that it had been previously dishonored, if such was the fact.
3. That he took it in good faith and for value.

4. That at the time it was negotiated to him he had no notice of any infirmity in the instrument or defect in the title of the person negotiating it.

**72.** Where an instrument payable on demand is negotiated an unreasonable length of time after its issue, the holder is not deemed a holder in due course.

**73.** Where the transferee receives notice of any infirmity in the instrument or defect in the title of the person negotiating the same before he has paid the full amount agreed to be paid therefor, he will be deemed a holder in due course only to the extent of the amount theretofore paid by him.

**74.** The title of a person who negotiates an instrument is defective within the meaning of this act, when he obtained the instrument, or any signature thereto, by fraud, duress, or force and fear, or other unlawful means, or for an illegal consideration, or when he negotiates it in breach of faith, or under such circumstances as amount to a fraud.

**75.** To constitute notice of an infirmity in the instrument or defect in the title of the person negotiating the same, the person to whom it is negotiated must have had actual knowledge of the infirmity or defect, or knowledge of such facts that his action in taking the instrument amounted to bad faith.

**76.** A holder in due course holds the instrument free from any defect of title of prior parties, and free from defenses available to prior parties among themselves, and may enforce payment of the instrument for the full amount thereof against all parties liable thereon.

**77.** In the hands of any holder other than a holder in due course, a negotiable instrument is subject to the same defences as if it were non-negotiable. But a holder who derives his title through a holder in due course, and who is not himself a party to any fraud or illegality affecting the instrument, has all the rights of such former holder in respect of all parties prior to the latter.

**78.** Every holder is deemed *prima facie* to be a holder in due course; but when it is shown that the title of any person who has negotiated the instrument was defective, the burden is on the holder to prove that he or some person under whom he claims, acquired the title as a holder in due course. But the last mentioned rule does not apply in favor of a party who became bound on the instrument prior to the acquisition of such defective title.

#### CHAPTER VI—Liabilities of Parties.

**79.** The maker of a negotiable instrument, by making it, engages that he will pay it according to its tenor; and admits the existence of the payee and his then capacity to indorse.

**80.** The drawer by drawing the instrument admits the existence of the payee and his then capacity to indorse, and engages that on due presentment, the instrument will be accepted or paid, or both, according to its tenor, and that if it be dishonored, and the necessary proceedings on dishonor be duly taken, he will pay the amount thereof to the holder, or to any subsequent indorser who may be compelled to pay it. But the drawer may insert in the instrument an express stipulation negating or limiting his own liability to the holder.

**81.** The acceptor, by accepting the instrument, engages that he will pay it according to the tenor of his acceptance; and admits:

1. The existence of the drawer, the genuineness of his signature, and his capacity and authority to draw the instrument; and
2. The existence of the payee and his then capacity to indorse.

**82.** A person placing his signature upon an instrument otherwise than as maker, drawer, or acceptor is deemed to be an indorser, unless he clearly indicates by appropriate words his intention to be bound in some other capacity.

**83.** Where a person not otherwise a party to an instrument, places thereon his signature in blank before delivery, he is liable as indorser in accordance with the following rules:

1. If the instrument is payable to the order of a third person, he is liable to the payee and to all subsequent parties.

2. If the instrument is payable to the order of the maker or drawer, or is payable to bearer, he is liable to all parties subsequent to the maker or drawer.

3. If he signs for the accommodation of the payee, he is liable to all parties subsequent to the payee.

**84.** Every person negotiating an instrument by delivery, or by a qualified indorsement, warrants:

1. That the instrument is genuine and in all respects what it purports to be;

2. That he has a good title to it;

3. That all prior parties had capacity to contract;

4. That he has no knowledge of any fact which would impair the validity of the instrument or render it valueless.

But when the negotiation is by delivery only, the warranty extends in favor of no holder other than the immediate transferee.

The provisions of subdivision three of this section do not apply to persons negotiating public or corporate securities, other than bills and notes.

**85.** Every indorser who indorses without qualification, warrants to all subsequent holders in due course:

1. The matters and things mentioned in subdivisions one, two and three of the next preceding section; and

2. That the instrument is at the time of his indorsement valid and subsisting.

And, in addition, he engages that, on due presentment, it shall be accepted or paid, or both, as the case may be, according to its tenor, and that if it be dishonored, and the necessary proceedings on dishonor be duly taken, he will pay the amount thereof to the holder, or to any subsequent indorser who may be compelled to pay it.

**86.** Where a person places his indorsement on an instrument negotiable by delivery, he incurs all the liabilities of an indorser.

**87.** As respects one another, indorsers are liable *prima facie* in the order in which they indorse; but evidence is admissible to

show that as between or among themselves they have agreed otherwise. Joint payees or joint indorsees who indorse are deemed to indorse jointly and severally.

**88.** When a broker or other agent negotiates an instrument without indorsement, he incurs all the liabilities prescribed by section eighty-four of this article, unless he discloses the name of his principal, and the fact that he is acting only as agent.

#### **CHAPTER VII—Presentment for Payment.**

**89.** Presentment for payment is not necessary in order to charge the person primarily liable on the instrument ; but if the instrument is, by its terms, payable at a special place, and he is able and willing to pay it there at maturity, such ability and willingness are equivalent to a tender of payment upon his part. But except as herein otherwise provided, presentment for payment is necessary in order to charge the drawer and indorsers.

**90.** Where the instrument is not payable on demand, presentment must be made on the day it falls due. Where it is payable on demand, presentment must be made within a reasonable time after its issue, except that in the case of a bill of exchange, presentment for payment will be sufficient if made within a reasonable time after the last negotiation thereof.

**91.** Presentment for payment, to be sufficient, must be made :

1. By the holder, or by some person authorized to receive payment on his behalf ;
2. At a reasonable hour on a business day ;
3. At a proper place, as herein defined ;
4. To the person primarily liable on the instrument, or, if he is absent or inaccessible, to any person found at the place where the presentment is made.

**92.** Presentment for payment is made at the proper place :

1. Where a place of payment is specified in the instrument and it is there presented ;
2. Where no place of payment is specified but the address of the person to make payment is given in the instrument and it is there presented ;

3. Where no place of payment is specified and no address is given, and the instrument is presented at the usual place of business or residence of the person to make payment ;

4. In any other case if presented to the person to make payment wherever he can be found, or if presented at his last known place of business or residence.

**93.** The instrument must be exhibited to the person from whom payment is demanded, and when it is paid must be delivered up to the party paying it.

**94.** Where the instrument is payable at a bank, presentment for payment must be made during banking hours, unless the person to make payment has no funds there to meet it at any time during the day, in which case presentment at any hour before the bank is closed on that day is sufficient.

**95.** Where the person primarily liable on the instrument is dead, and no place of payment is specified, presentment for payment must be made to his personal representative, if such there be, and if with the exercise of reasonable diligence, he can be found.

**96.** Where the persons primarily liable on the instrument are liable as partners, and no place of payment is specified, presentment for payment may be made to any one of them, even though there has been a dissolution of the firm.

**97.** Where there are several persons, not partners, primarily liable on the instrument, and no place of payment is specified, presentment must be made to them all.

**98.** Presentment for payment is not required in order to charge the drawer where he has no right to expect or require that the drawee or acceptor will pay the instrument.

**99.** Presentment for payment is not required in order to charge an indorser, where the instrument was made or accepted for his accommodation, and he has no reason to expect that the instrument will be paid if presented.

**100.** Delay in making presentment for payment is excused when the delay is caused by circumstances beyond the control of the holder, and not imputable to his default, misconduct or negligence. When the cause of delay ceases to operate, presentment must be made with reasonable diligence.

**101.** Presentment for payment is dispensed with :

1. Where after the exercise of reasonable diligence, presentment as required by this act cannot be made ;
2. Where the drawee is a fictitious person ;
3. By waiver of presentment, express or implied.

**102.** The instrument is dishonored by non-payment, when :

1. It is duly presented for payment and payment is refused or cannot be obtained ; or
2. Presentment is excused and the instrument is overdue and unpaid.

**103.** Subject to the provisions of this article, when the instrument is dishonored by non-payment, and immediate right of recourse to all parties secondarily liable thereon, accrues to the holder.

**104.** Every negotiable instrument is payable at the time fixed therein without grace. When the day of maturity falls upon Sunday, or a holiday, the instrument is payable on the next succeeding business day. Instruments falling due on Saturday are to be presented for payment on the next succeeding business day, except that instruments payable on demand may, at the option of the holder, be presented for payment before twelve o'clock noon on Saturday, when that entire day is not a holiday.

**105.** Where the instrument is payable at a fixed period after date, after sight, or after the happening of a specified event, the time of payment is determined by excluding the day from which the time is to begin to run, and by including the date of payment.

**106.** Where the instrument is made payable at a bank, it is equivalent to an order to the bank to pay the same for the account of the principal debtor thereon.

**107.** Payment is made in due course when it is made at or after the maturity of the instrument to the holder thereof in good faith and without notice that his title is defective.

#### CHAPTER VIII—Notice of Dishonor.

**108.** Except as herein otherwise provided, when a negotiable instrument has been dishonored by non-acceptance or non-payment, notice of dishonor must be given to the drawer and to each indorser, and any drawer or indorser to whom such notice is not given is discharged.

**109.** The notice may be given by or on behalf of the holder, or by or on behalf of any party to the instrument who might be compelled to pay it to the holder, and who, upon taking it up, would have a right to reimbursement from the party to whom the notice is given.

**110.** Notice of dishonor may be given by an agent either in his own name or in the name of any party entitled to give notice, whether that party be his principal or not.

**111.** Where notice is given by or on behalf of the holder, it enures for the benefit of all subsequent holders and all prior parties who have a right of recourse against the party to whom it is given.

**112.** Where notice is given by or on behalf of a party entitled to give notice, it enures for the benefit of the holder and all parties subsequent to the party to whom notice is given.

**113.** Where the instrument has been dishonored in the hands of an agent, he may either himself give notice to the parties liable thereon, or he may give notice to his principal. If he give notice to his principal, he must do so within the same time as if he were the holder, and the principal, upon the receipt of such notice, has himself the same time for giving notice as if the agent had been an independent holder.

**114.** A written notice need not be signed and an insufficient written notice may be supplemented and validated by verbal communication. A misdescription of the instrument does not vitiate the notice unless the party to whom the notice is given is in fact misled thereby.

**115.** The notice may be in writing or merely oral, and may be given in any terms which sufficiently identify the instrument, and indicate that it has been dishonored by non-acceptance or non-payment. It may in all cases be given by delivering it personally or through the mails.

**116.** Notice of dishonor may be given either to the party himself or to his agent in that behalf.

**117.** When any party is dead, and his death is known to the party giving notice, the notice must be given to a personal representative, if there be one, and if, with reasonable diligence, he can be found. If there be no personal representative, notice may be sent to the last residence or last place of business of the deceased.

**118.** Where the parties to be notified are partners, notice to any one partner is notice to the firm, even though there has been a dissolution.

**119.** Notice to joint parties who are not partners must be given to each of them, unless one of them has authority to receive such notice for the others.

**120.** Where a party has been adjudged a bankrupt or an insolvent, or has made an assignment for the benefit of creditors, notice may be given either to the party himself or to his trustee or assignee.

**121.** Notice may be given as soon as the instrument is dishonored ; and unless delay is excused as hereinafter provided, must be given within the times fixed by this act.

**122.** Where the person giving and the person to receive notice reside in the same place, notice must be given within the following times :

1. If given at the place of business of the person to receive notice, it must be given before the close of business hours on the day following;

2. If given at his residence, it must be given before the usual hours of rest on the day following;

3. If sent by mail, it must be deposited in the post office in time to reach him in usual course on the day following.

**123.** Where the person giving and the person to receive notice reside in different places, the notice must be given within the following times :

1. If sent by mail, it must be deposited in the post office in time to go by mail the day following the day of dishonor, or if there be no mail at a convenient hour on that day, by the next mail thereafter.

If given otherwise than through the post office, then within the time that notice would have been received in due course of mail, if it had been deposited in the post office within the time specified in the last sub-division.

**124.** Where notice of dishonor is duly addressed and deposited in the post office, the sender is deemed to have given due notice, notwithstanding any miscarriage in the mails.

**125.** Notice is deemed to have been deposited in the post office when deposited in any branch post office or any letter box under the control of the post office department.

**126.** Where a party receives notice of dishonor, he has, after the receipt of such notice, the same time for giving notice to antecedent parties that the holder has after the dishonor.

**127.** Where a party has added an address to his signature, notice of dishonor must be sent to that address; but if he has not given such address, then the notice must be sent as follows :

1. Either to the post office nearest to his place of residence, or to the post office where he is accustomed to receive his letters; or

2. If he live in one place, and have his place of business in another, notice may be sent to either place ; or

3. If he is sojourning in another place, notice may be sent to the place where he is sojourning.

But where the notice is actually received by the party within the time specified in this article, it will be sufficient, though not sent in accordance with the requirements of this section.

**128.** Notice of dishonor may be waived, either before the time of giving notice has arrived, or after the omission to give due notice, and the waiver may be express or implied.

**129.** Where the waiver is embodied in the instrument itself, it is binding upon all parties ; but where it is written above the signature of an indorser, it binds him only.

**130.** A waiver of protest, whether in the case of a foreign bill of exchange or other negotiable instrument, is deemed to be a waiver not only of a formal protest, but also of presentment and notice of dishonor.

**131.** Notice of dishonor is dispensed with when, after the exercise of reasonable diligence, it can not be given to or does not reach the parties sought to be charged.

**132.** Delay in giving notice of dishonor is excused when the delay is caused by circumstances beyond the control of the holder and not imputable to his default, misconduct or negligence. When the cause of delay ceases to operate, notice must be given with reasonable diligence.

**133.** Notice of dishonor is not required to be given to the drawer in either of the following cases :

1. Where the drawer and drawee are the same person ;
2. Where the drawee is a fictitious person or a person not having capacity to contract ;
3. Where the drawer is the person to whom the instrument is presented for payment ;
4. Where the drawer has no right to expect or require that the drawee or acceptor will honor the instrument ;

5. Where the drawer has countermanded payment.

**134.** Notice of dishonor is not required to be given to an indorser in either of the following cases :

1. Where the drawee is a fictitious person or a person not having capacity to contract, and the indorser was aware of the fact at the time he indorsed the instrument ;

2. Where the indorser is the person to whom the instrument is presented for payment ;

3. Where the instrument was made or accepted for his accommodation.

**135.** Where due notice of dishonor by non-acceptance has been given, notice of a subsequent dishonor by non-payment is not necessary, unless in the meantime the instrument has been accepted.

**136.** An omission to give notice of dishonor by non-acceptance does not prejudice the rights of a holder in due course subsequent to the omission.

**137.** Where any negotiable instrument has been dishonored it may be protested for non-acceptance or non-payment, as the case may be ; but protest is not required, except in the case of foreign bills of exchange.

**CHAPTER IX—Discharge of Negotiable Instruments.**

**138.** A negotiable instrument is discharged :

1. By payment in due course by or on behalf of the principal debtor :

2. By payment in due course by the party accommodated, where the instrument is made or accepted for accommodation ;

3. By the intentional cancellation thereof by the holder ;

4. By any other act which will discharge a simple contract for the payment of money ;

5. When the principal debtor becomes the holder of the instrument at or after maturity in his own right.

**139.** A person secondarily liable on the instrument is discharged :

1. By any act which discharges the instrument ;
2. By the intentional cancellation of his signature by the holder ;
3. By the discharge of a prior party ;
4. By a valid tender of payment made by a prior party ;
5. By a release of the principal debtor, unless the holder's right of recourse against the party secondarily liable is expressly reserved ;
6. By any agreement binding upon the holder to extend the time of payment, or to postpone the holder's right to enforce the instrument, unless the right of recourse against such party is expressly reserved.

**140.** Where the instrument is paid by a party secondarily liable thereon, it is not discharged ; but the party so paying it is remitted to his former rights as regards all prior parties, and he may strike out his own and all subsequent indorsements, and again negotiate the instrument, except :

1. Where it is payable to the order of a third person, and has been paid by the drawer ; and
2. Where it was made or accepted for accommodation, and has been paid by the party accommodated.

**141.** The holder may expressly renounce his rights against any party to the instrument, before, at, or after its maturity. An absolute and unconditional renunciation of his rights against the principal debtor made at or after the maturity of the instrument discharges the instrument. But a renunciation does not affect the rights of a holder in due course without notice. A renunciation must be in writing, unless the instrument is delivered up to the person primarily liable thereon.

**142.** A cancellation made unintentionally, or under a mistake, or without the authority of the holder, is inoperative ; but where an instrument or any signature thereon appears to have been cancelled the burden of proof lies on the party who alleges that the cancellation was made unintentionally, or under a mistake, or without authority.

**143.** Where a negotiable instrument is materially altered without the assent of all parties liable thereon, it is avoided, except as against a party who has himself made, authorized, or assented to the alteration and subsequent indorsers.

But when an instrument has been materially altered and is in the hand of a holder in due course, not a party to the alteration, he may enforce payment thereof according to its original tenor.

**144.** Any alteration which changes :

1. The date ;
2. The sum payable, either for principal or interest ;
3. The time or place of payment ;
4. The number or the relations of the parties ;
5. The medium or currency in which payment is to be made.

Or which adds a place of payment where no place of payment is specified, or any other change or addition which alters the effect of the instrument in any respect, is a material alteration.

#### **CHAPTER X—Bills of Exchange ; Form and Interpretation.**

**145.** A bill of exchange is an unconditional order in writing addressed by one person to another, signed by the person giving it, requiring the person to whom it is addressed to pay on demand or at a fixed or determinable future time, a sum certain in money to order or to bearer.

**146.** A bill of itself does not operate as an assignment of the funds in the hands of the drawee available for the payment thereof, and the drawee is not liable on the bill unless and until he accepts the same.

**147.** A bill may be addressed to two or more drawees jointly, whether they are partners or not ; but not to two or more drawees in the alternative or in succession.

**148.** An inland bill of exchange is a bill which is, or on its face purports to be, both drawn and payable within this State. Any other bill is a foreign bill. Unless the contrary appears on the face of the bill, the holder may treat it as an inland bill.

**149.** Where in a bill drawer and drawee are the same person, or where the drawee is a fictitious person, or a person not having capacity to contract, the holder may treat the instrument, at his option, either as a bill of exchange or a promissory note.

**150.** The drawer of a bill and any indorser may insert thereon the name of a person to whom the holder may resort in case of need—that is to say, in case the bill is dishonored by non-acceptance or non-payment. Such person is called the “referee in case of need.” It is in the option of the holder to resort to the “referee in case of need” or not, as he may see fit.

#### CHAPTER XI—Acceptance of Bills of Exchange.

**151.** The acceptance of a bill is the signification by the drawee of his assent to the order of the drawer. The acceptance must be in writing and signed by the drawee. It must not express that the drawee will perform his promise by any other means than the payment of money.

**152.** The holder of a bill presenting the same for acceptance may require that the acceptance be written on the bill, and if such request is refused, may treat the bill as dishonored.

**153.** Where an acceptance is written on a paper other than the bill itself, it does not bind the acceptor, except in favor of a person to whom it is shown, and who, on the faith thereof, receives the bill for value.

**154.** An unconditional promise in writing to accept a bill before it is drawn is deemed an actual acceptance in favor of every person who, upon the faith thereof, receives the bill for value.

**155.** The drawee is allowed twenty-four hours after presentment in which to decide whether or not he will accept the bill; but the acceptance, if given, dates as of the day of presentation.

**156.** Where a drawee to whom a bill is delivered for acceptance destroys the same, or refuses within twenty-four hours after such delivery, or within such other period as the holder may

allow, to return the bill accepted or non-accepted to the holder, he will be deemed to have accepted the same.

**157.** A bill may be accepted before it has been signed by the drawer, or while otherwise incomplete, or when it is overdue, or after it has been dishonored by a previous refusal to accept, or by non-payment. But when a bill payable after sight is dishonored by non-acceptance and the drawee subsequently accepts it, the holder, in the absence of any different agreement, is entitled to have the bill accepted as of the date of the first presentment.

**158.** An acceptance is either general or qualified. A general acceptance assents without qualification to the order of the drawer. A qualified acceptance in express terms varies the effect of the bill as drawn.

**159.** An acceptance to pay at a particular place is a general acceptance unless it expressly states that the bill is to be paid there only and not elsewhere.

**160.** An acceptance is qualified, which is :

1. Conditional—that is to say, which makes payment by the acceptor dependent on the fulfillment of a condition therein stated ;

2. Partial—that is to say, an acceptance to pay part only of the amount for which the bill is drawn ;

3. Local—that is to say, an acceptance to pay only at a particular place ;

4. Qualified as to time ;

5. The acceptance of some one or more of the drawees, but not of all.

**161.** The holder may refuse to take a qualified acceptance, and if he does not obtain an unqualified acceptance, he may treat the bill as dishonored by non-acceptance. Where a qualified acceptance is taken, the drawer and indorsers are discharged from liability on the bill, unless they have expressly or impliedly authorized the holder to take a qualified acceptance, or subsequently assent thereto. When the drawer or an indorser receives

notice of a qualified acceptance, he must, within a reasonable time, express his dissent to the holder, or he will be deemed to have assented thereto.

#### **CHAPTER XII—Presentment of Bills of Exchange for Acceptance.**

**162.** Presentment for acceptance must be made :

1. Where the bill is payable after sight, or in any other case where presentment for acceptance is necessary in order to fix the maturity of the instrument ; or

2. Where the bill expressly stipulates that it shall be presented for acceptance ; or

3. Where the bill is drawn payable elsewhere than at the residence or place of business of the drawee.

In no other case is presentment for acceptance necessary in order to render any party to the bill liable.

**163.** Except as herein otherwise provided, the holder of a bill which is required by the next preceding section to be presented for acceptance, must either present it for acceptance or negotiate it within a reasonable time. If he fail to do so, the drawer and all indorsers are discharged.

**164.** Presentment for acceptance must be made by or on behalf of the holder at a reasonable hour, on a business day, and before the bill is overdue, to the drawee or some person authorized to accept or refuse acceptance on his behalf ; and

1. Where a bill is addressed to two or more drawees who are not partners, presentment must be made to them all, unless one has authority to accept or refuse acceptance for all, in which case presentment may be made to him only ;

2. Where the drawee is dead, presentment may be made to his personal representative ;

3. Where the drawee has been adjudged a bankrupt or an insolvent, or has made an assignment for the benefit of creditors, presentment may be made to him or to his trustee or assignee.

**165.** A bill may be presented for acceptance on any day on which negotiable instruments may be presented for payment

under the provisions of sections ninety-one and one hundred and four of this article. When Saturday is not otherwise a holiday, presentment for acceptance may be made before twelve o'clock noon on that day.

**166.** Where the holder of a bill, drawn payable elsewhere than at the place of business or the residence of the drawee, has not time, with the exercise of reasonable diligence, to present the bill for acceptance before presenting it for payment on the day that it falls due, the delay caused by presenting the bill for acceptance before presenting it for payment is excused, and does not discharge the drawers and indorsers.

**167.** Presentment for acceptance is excused, and a bill may be treated as dishonored by non-acceptance, in either of the following cases :

1. Where the drawee is dead, or has absconded, or is a fictitious person, or a person not having capacity to contract by bill ;
2. Where after the exercise of reasonable diligence, presentment cannot be made ;
3. Where although presentment has been irregular, acceptance has been refused on some other ground.

**168.** A bill is dishonored by non-acceptance :

1. When it is duly presented for acceptance, and such an acceptance as is prescribed by this article is refused or cannot be obtained ;
2. When presentment for acceptance is excused and the bill is not accepted.

**169.** Where a bill is duly presented for acceptance and is not accepted within the prescribed time, the person presenting it must treat the bill as dishonored by non-acceptance or he loses the right of recourse against the drawer and indorsers.

**170.** When a bill is dishonored by non-acceptance, an immediate right of recourse against the drawers and indorsers accrues to the holder, and no presentment for payment is necessary.

**CHAPTER XIII—Protests of Bills of Exchange.**

**171.** Where a foreign bill appearing on its face to be such is dishonored by non-acceptance, it must be duly protested for non-acceptance, and where such a bill which has not previously been dishonored by non-acceptance is dishonored by non-payment, it must be duly protested for non-payment. If it is not so protested, the drawer and indorsers are discharged. Where a bill does not appear on its face to be a foreign bill, protest thereof in case of dishonor is unnecessary.

**172.** The protest must be annexed to the bill, or must contain a copy thereof, and must be under the hand and seal of the notary making it, and must specify :

1. The time and place of presentment ;
2. The fact that presentment was made and the manner thereof ;
3. The cause or reason for protesting the bill ;
4. The demand made and the answer given, if any, or the fact that the drawee or acceptor could not be found.

**173.** Protest may be made by :

1. A notary public ; or
2. By any respectable resident of the place where the bill is dishonored, in the presence of two or more credible witnesses.

**174.** When a bill is protested, such protest must be made on the day of its dishonor, unless delay is excused as herein provided. When a bill has been duly noted, the protest may be subsequently extended as to the date of the noting.

**175.** A bill must be protested at the place where it is dishonored, except that when a bill drawn payable at the place of business or residence of some person other than the drawee, has been dishonored by non-acceptance, it must be protested for non-payment at the place where it is expressed to be payable, and no further presentment for payment to, or demand on, the drawee is necessary.

**176.** A bill which has been protested for non-acceptance may be subsequently protested for non-payment.

**177.** Where the acceptor has been adjudged a bankrupt or an insolvent, or has made an assignment for the benefit of creditors, before the bill matures, the holder may cause the bill to be protested for better security against the drawer and indorsers.

**178.** Protest is dispensed with by any circumstances which would dispense with notice of dishonor. Delay in noting or protesting is excused when delay is caused by circumstances beyond the control of the holder and not imputable to his default, misconduct or negligence. When the cause of delay ceases to operate, the bill must be noted or protested with reasonable diligence.

**179.** Where a bill is lost or destroyed, or is wrongly detained from the person entitled to hold it, protest may be made on a copy or written particulars thereof.

#### CHAPTER XIV—Acceptance of Bills of Exchange for Honor.

**180.** Where a bill of exchange has been protested for dishonor by non-acceptance or protested for better security and is not overdue, any person not being a party already liable thereon may, with the consent of the holder, intervene and accept the bill *supra* protest for the honor of any party liable thereon, or for the honor of the person for whose account the bill is drawn. The acceptance for honor may be for part only of the sum for which the bill is drawn; and where there has been an acceptance for honor for one party, there may be a further acceptance by a different person for the honor of another party.

**181.** An acceptance for honor *supra* protest must be in writing and indicate that it is an acceptance for honor, and must be signed by the acceptor for honor.

**182.** Where an acceptance for honor does not expressly state for whose honor it is made, it is deemed to be an acceptance for the honor of the drawer.

**183.** The acceptor for honor is liable to the holder and to all parties to the bill subsequent to the party for whose honor he has accepted.

**184.** The acceptor for honor by such acceptance engages that he will on due presentment pay the bill according to the terms of his acceptance, provided it shall not have been paid by the drawee, and provided, also, that it shall have been duly presented for payment and protested for non-payment, and notice of dishonor given to him.

**185.** Where a bill payable after sight is accepted for honor, its maturity is calculated from the date of the noting for non-acceptance, and not from the date of the acceptance for honor.

**186.** Where a dishonored bill has been accepted for honor *supra* protest, or contains a reference in case of need, it must be protested for non-payment before it is presented for payment to the acceptor for honor or referee in case of need.

**187.** Presentment for payment to the acceptor for honor must be made as follows :

1. If it is to be presented in the place where the protest for non-payment was made, it must be presented not later than the day following its maturity ;

2. If it is to be presented in some other place than the place where it was protested, then it must be forwarded within the time specified in section 123.

**188.** The provisions of section one hundred apply where there is delay in making presentment to the acceptor for honor or referee in case of need.

**189.** When the bill is dishonored by the acceptor for honor, it must be protested for non-payment by him.

#### CHAPTER XV—Payment of Bills of Exchange for Honor.

**190.** Where a bill has been protested for non-payment, any person may intervene and pay it *supra* protest for the honor of any person liable thereon, or for the honor of the person for whose account it was drawn.

**191.** The payment for honor *supra* protest in order to operate as such, and not as a mere voluntary payment, must be

attested by a notarial act of honor which may be appended to the protest or form an extension to it.

**192.** The notarial act of honor must be founded on a declaration made by the payer for honor or by his agent in that behalf, declaring his intention to pay the bill for honor and for whose honor he pays.

**193.** Where two or more parties offer to pay a bill for the honor of different parties, the person whose payment will discharge most parties to the bill is to be given the preference.

**194.** Where a bill has been paid for honor, all parties subsequent to the party for whose honor it is paid are discharged, but the payer for honor is subrogated for, and succeeds to, both the rights and duties of the holder as regards the party for whose honor he pays and all parties liable to the latter.

**195.** Where the holder of a bill refuses to receive payment *supra* protest, he loses his right of recourse against any party who would have been discharged by such payment.

**196.** The payer for honor on paying to the holder the amount of the bill and the notarial expenses incidental to its dishonor, is entitled to receive both the bill itself and the protest.

#### CHAPTER XVI—Bills in a Set.

**197.** Where a bill is drawn in a set, each part of the set being numbered and containing a reference to the other parts, the whole of the parts constitute one bill.

**198.** Where two or more parts of a set are negotiated to different holders in due course, the holder whose title first accrues is, as between such holders, the true owner of the bill. But nothing in this section affects the rights of a person who in due course accepts or pays the part first presented to him.

**199.** Where the holder of a set indorses two or more parts to different persons, he is liable on every such part, and every

indorser subsequent to him is liable on the part he has himself indorsed, as if such parts were separate bills.

**200.** The acceptance may be written on any part and it must be written on one part only. If the drawee accepts more than one part, and such accepted parts are negotiated to different holders in due course, he is liable on every such part as if it were a separate bill.

**201.** When the acceptor of a bill drawn in a set pays it without requiring the part bearing his acceptance to be delivered up to him, and that part at maturity is outstanding in the hands of a holder in due course, he is liable to the holder thereon.

**202.** Except as herein otherwise provided, where any one part of a bill drawn in a set is discharged by payment or otherwise, the whole bill is discharged.

#### **CHAPTER XVII—Promissory Notes and Checks.**

**203.** A negotiable promissory note within the meaning of this act is an unconditional promise in writing made by one person to another, signed by the maker engaging to pay on demand or at a fixed or determinable future time, a sum certain in money to order or to bearer. Where a note is drawn to the maker's own order, it is not complete until indorsed by him.

**204.** A check is a bill of exchange drawn on a bank payable on demand. Except as herein otherwise provided, the provisions of this act applicable to a bill of exchange payable on demand apply to a check.

**205.** A check must be presented for payment within a reasonable time after its issue or the drawer will be discharged from liability thereon to the extent of the loss caused by the delay.

**206.** Where a check is certified by the bank on which it is drawn, the certification is equivalent to an acceptance.

**207.** Where the holder of a check procures it to be accepted or certified, the drawer and all indorsers are discharged from liability thereon.

**208.** A check of itself does not operate as an assignment of any part of the funds to the credit of the drawer with the bank, and the bank is not liable to the holder, unless and until it accepts or certifies the check.

## ARTICLE XVI.

### CHANCERY.

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**Declaratory Decrees.**

1890, ch. 64.

**30.** No declaratory suit can be brought nor decree passed to establish a fact or facts that are without legal consequences, and wherever the court shall be of opinion that there is a question or questions involved in such suit, which a party or parties may be entitled under the constitution, to have submitted to a jury, the court shall, if such party or parties require it, direct an issue or issues to be made up and sent to any court of law convenient for trying the same, and the issues shall be tried in the said court of law as soon as convenient without any continuance longer than may be necessary to procure the attendance of witnesses, and the power of the courts of law and the proceedings thereto relative, shall be as directed by law respecting the trial of issues from chancery, or the orphans' court as to proceedings therein, thereon and thereafter, but nothing herein contained shall be so construed as to prevent the equity courts of Baltimore city from summoning a jury to try such issue or issues pursuant to the provisions of section one hundred and seventy-four (174), of article four (4) of the Code of Public Local Laws, title "Baltimore City," sub-title "Courts." The order granting or denying such issues shall be subject to appeal.

*Pennington v. Pennington*, 70 Md. 430. *Wahl v. Brewer*, 80 Md. 243.

**Fraudulent Conveyances.**

1898, ch. 254.

**46.** In no case of a proceeding in equity to vacate any conveyance or contract, or other act, as fraudulent against creditors, shall it be necessary for any creditor or plaintiff in the cause

to have obtained a judgment at law on his demand, in order to the relief sought in the case, either in his own behalf or in the behalf of any other creditors who shall claim to participate in the benefit of the decree in the case; but when the debt of such plaintiff shall not be admitted by the pleadings in the case on the part of the defendant interested in contesting the same, the court shall, on application of any of the parties, send to any court of law an issue for determining the fact of such indebtedness, subject to the rules usually applied to issues out of chancery; providing, this act shall not apply to any case pending in court in this State.

*Morton v. Grafflin*, 68 Md. 562.

**Inebriates.**

1894, ch. 474.

**47.** Whenever, by petition, under oath, any person shall be alleged to be an habitual drunkard, incapable of taking care of himself or his property, any circuit court of this State and also either of the circuit courts of Baltimore city, shall have the power, in its discretion, on such preliminary examinations or inquiry, as it may think proper to make *ex parte*, to issue a warrant to the sheriff of the county or city, respectively, to arrest and bring the party so charged before such court; and it shall be the duty of the sheriff to obey such warrant; and such court shall cause a jury of good and lawful men, to be summoned by the said sheriff, to be empaneled forthwith, and shall charge said jury, under oath, to inquire, in the presence of such person, whether he is an habitual drunkard, incapable of taking care of himself; and the proceedings in such case shall be like those now authorized by law in cases of persons alleged to be lunatics or insane; and the rules of law and proceedings now applicable to the property of lunatics shall apply to cases of persons declared to be habitual drunkards under the provisions of this section, except when herein otherwise directed; and any person who may be alleged to be an habitual drunkard may dispense with the legal proceedings to establish the same, and may, with the approbation of the court wherein said petition may be filed, appoint his own committee, and may voluntarily enter any institution selected by the court, for a limited time; and the board of trustees or managers of such institution may retain such person the length of

time he may have agreed therein to remain; and if the person against whom the petition may be filed shall be found by the jury to be an habitual drunkard, incapable of taking care of himself, it shall be the duty of the court to appoint a committee of such person, and such committee shall, with the written assent and approbation of the court, have the power of confining such person in any suitable institution, for such length of time, as the court may, in writing, approve; but said committee, with the written assent and approbation of the court, may at any time release from confinement said habitual drunkard, and the period of confinement of said habitual drunkard may, by the said committee, with the written assent and approbation of the court, be from time to time extended, for such period as may be necessary for his complete reformation; and the words "habitual drunkard," as used in this section, shall be construed to embrace any person who may be habitually addicted to the use of alcohol, opium, cocaine, morphine or any other drug or intoxicant.

1894, ch. 247.

**47A.** Any inhabitant of this State, who is of kin to or a friend of an habitual drunkard, as hereinafter defined, may petition the circuit court of the county of the residence of such drunkard, or the circuit court of Baltimore city, if said habitual drunkard resides therein, for leave to send such drunkard, at the expense of said county or city of Baltimore, to such institution for the medical treatment of drunkenness, as the said court may designate; which petition shall set forth the name, age and condition of such habitual drunkard, and that such drunkard or those of his kin petitioning, are not financially able to incur the expense of his cure, and shall set forth that said drunkard is willing and will agree to attend such institution for the cure of drunkenness; which petition shall be verified by the person making such request, and shall contain in addition thereto, the written agreement of such habitual drunkard to take such treatment and obey the rules of the institution administering the same, and the names of three taxpayers in the county of his residence, or of Baltimore city, if he resides therein, stating that they are familiar with the facts set forth in the petition, and that they are familiar with the financial circumstances of such drunkard and of the petitioning

kin, and think it a proper case for assistance from the county wherein the said habitual drunkard resides, or Baltimore city, if he resides therein.

M. & C. C. of Balto. v. Keeley Institute, 81 Md. 118.

1894, ch. 247.

**47B.** When such petition is filed, any judge of the circuit court referred to in section 47 A, if satisfied from examination that the facts set forth in the petition are true, and that the said drunkard has been a resident of the county or of Baltimore city for six months next preceding the application, and that such drunkard of his own free will desires to take such treatment, shall send such habitual drunkard to some institution for the cure of drunkenness; provided, said institution is located in the State of Maryland, and that the managers of such institution will agree to treat such patient for a sum not to exceed one hundred dollars; but such court shall not be compelled to send such habitual drunkard to any institution making a lower bid than the sum herein specified, unless in their judgment the best interest of such drunkard shall be promoted thereby; and the said judge of the circuit court shall thereupon make an order that the expense of such treatment be paid out of the treasury of the county or the city of Baltimore, as the case may be, in the same manner that other claims against such county or city of Baltimore for the administration of justice are paid; provided, that no county or the city of Baltimore shall be required to send the same habitual drunkard to any institution for the medical treatment of drunkenness a second time at its expense.

Ibid.

**47 C.** The provisions of the two preceding sections shall not be at any time construed as in any way abrogating, limiting or abolishing the powers of judges of the circuit courts under section 47.

Ibid.

**47 D.** The officers of whatever institutions may be designated for the treatment of the habitual drunkards, payment for whose cure is provided by section 47B, shall become sworn officers of the court committing said habitual drunkards to their care, and shall

have power to enforce such reasonable rules as may be necessary for the administration of treatment to said patient, but they shall receive no fee or compensation for any county or the city of Baltimore other than the sum provided and limited by said section 47 B.

1894, ch. 247.

**47 E.** A drunkard as mentioned in the four preceding sections shall be deemed to include any person who has acquired the habit of using spirituous, malt or fermented liquors, cocaine or other narcotics to such a degree as to deprive him of reasonable self-control.

#### Infants.

1890, ch. 18.

**57.** When the real estate or leasehold property of an infant or in which an infant is interested has been, or may hereafter be, sold upon the application of his guardian or *prochein ami*, or by virtue of or under a decree of court, in a case to which such infant is a party, or by virtue of a power contained in a mortgage upon such real estate or leasehold property, the court decreeing or ratifying such sale may, upon the application of the person making such sale, or upon the petition of the guardian of such infant, order and direct the money arising from such sale to which such infant shall be entitled, to be paid to the guardian of such infant, upon the filing in said court of a certificate from the register of wills of the county or city in which letters of guardianship have been granted, that the guardian of such infant has filed in the orphans' court of the county or city, granting letters of guardianship, a bond, which bond shall be in the judgment of the court making such decree, order, or direction, in an amount and with security sufficient to protect such infant in the premises.

*Bernard v. Trust Co.*, 80 Md. 124.

1892, ch. 244.

**62 A.** The several equity courts of this State, upon the application of any person residing in the city or county where such application is made, shall have power to pass a decree declaring any minor child the adopted child of the petitioner, upon such reasonable notice to the parent or parents, guardian or

guardians of such child, if any there be, by summons, order of publication or otherwise, as the court may order to be given, provided that the court passing the decree shall become satisfied, upon careful investigation, that the best interests and welfare of such child will be thereby promoted, and provided further, that the child, if of sufficient intelligence and capacity to give an understanding assent shall so desire.

1892, ch. 244.

**62 B.** The husband and wife may file a petition jointly praying the court to decree the adoption by them jointly of any child, but no decree of adoption shall pass where the petitioner is a married person unless it be shown that the husband or wife of the petitioner consents to the adoption, or is hopelessly insane, or that the parties are living apart under such circumstances as would entitle the petitioner to a divorce.

Ibid.

**62 c.** The effect of such decree of adoption shall be to entitle the child so adopted to the same rights of inheritance and distribution as to the petitioner's estate and the same rights of protection, education and maintenance as if born to such petitioner in lawful wedlock, and the natural parents of such child shall be freed from all legal obligation towards it, provided that where such child inherits property from its adopted parent or parents, upon its dying intestate without issue the property thus inherited shall descend and be distributed to the same persons who would take the same by inheritance and in course of distribution if the child had been the child of the adopted parents born to them in lawful wedlock, provided however, that this shall not be construed to limit or interfere with the power of disposition over such property by gift, grant, devise, bequest or otherwise by said adopted child.

Ibid.

**62 D.** If the petition contains a prayer to that effect the court may also decree that the name of the child be changed.

Ibid.

**62 E.** The term "child" or its equivalent in a deed, grant, will or other written instrument shall be held to include any child

adopted by the person executing the same, unless the contrary plainly appears by the term thereof, whether such instrument be executed before or after the adoption.

1892, ch. 264.

**62 F.** Any inhabitant of any other State adopted as a child in accordance with the laws thereof, shall upon proof of such fact be entitled in this State to the same rights of inheritance and distribution as he would have enjoyed in the State where adopted except in so far as they may conflict with the provisions of the five preceding sections.

### **Non Compos Mentis.**

1894, ch. 221.

**98.** The court which may have appointed a guardian, committee or trustee of the property of a person *non compos mentis* may, upon the application of such guardian, committee or trustee, without any process or order of publication, order or decree the sale of any real, leasehold or personal property to which such person *non compos mentis* may be entitled and order the money arising therefrom to be invested in stocks or other property, or in mortgages on real estate or in other safe securities, as the court may deem most advantageous to such person *non compos mentis*; and on the death of such person *non compos mentis* the principal arising from any such sale shall pass to and vest in the person or persons in whom such property would have vested if the same had not been sold. Any decree or order which may have been heretofore passed for the sale of the property of any person *non compos mentis* shall have the same effect as if it had been passed after the adoption of this section.

Hamilton v. Traber, 78 Md. 38. Willis v. Hodson, 79 Md. 331.

Ibid.

**99.** The court, which may have appointed a guardian, committee or trustee of the property of a person *non compos mentis*, may, upon the application of such guardian, committee or trustee, without any process or order of publication, order or decree any real or leasehold property of a person *non compos mentis* to be leased for any term of years, or may order or decree the surrender of any lease of the estate or property of

such person *non compos mentis* to be accepted, and the same to be demised anew on such terms and conditions as the court may direct.

Dugan v. Mayor, &c., 70 Md. 1. Benson v. Benson, 70 Md. 257. Mumma v. Brinton, 77 Md. 200.

1894, ch. 221.

**100.** In all applications by a guardian, committee or trustee of the property of a person *non compos mentis* to sell any of the real, leasehold or personal property of such person *non compos mentis*, or to demise any of the real or leasehold property of such person *non compos mentis*, or to accept the surrender of lease thereof, the court shall, before passing an order or decree, have proof taken as in other chancery cases as to the value, quantity and condition of the property, and after considering all the circumstances, if the court shall deem it to the interest and advantage of such person *non compos mentis*, it may order or decree a sale, lease or surrender of a lease of the whole or any part of the said property on such terms and conditions as the court may prescribe.

1896, ch. 33.

**104 A.** In case of application by petition of a person who has been adjudged a lunatic or *non compos mentis* to have the commission superseded on the ground of recovery or restoration to a sound state of mind and capacity to manage his affairs, the petitioner shall be entitled to have the question submitted to a jury empaneled under the order of the court for the purpose, whose verdict shall be binding on the court, unless set aside for cause.

#### **Non-Residents.**

1892, ch. 637.

**111.** In cases where it is unknown whether a non-resident be living or dead the bill may be filed against him as if living, and in cases where the non resident is dead and it is unknown whether he left any heirs or if the heirs be unknown, then the bill may describe such unknown heirs as the heirs of the person who, if living, would be a proper party, and in cases where a non-resident is dead and no letters testamentary or of administration have been granted in this State, and if it is unknown whether such

letters upon his personal estate have been granted elsewhere, the bill may describe as the executor or administrator of such deceased person the personal representative or the person, who, if living, would be a proper party, and the bill in cases under this section shall pray that notice of the substance and object thereof may be given by publication as provided by law in cases of non-residents.

1892, ch. 687.

112. In all cases mentioned in the foregoing section, the court shall order notice to be given by the publication in accordance with the prayer of the bill to the heirs or personal representatives of such deceased person as the bill may pray and as they are described therein, and the same proceedings shall be had against them as are had in cases against non-resident defendants named in a bill in chancery, and such publications shall be taken and considered sufficient notice to the heirs of said decedent or to all parties entitled to his personal estate whether executor, administrator, legatee or distributee, as the case may be, and any decree which may be passed shall have the same effect against those described as heirs or against all parties interested in the personal estate of a particular person as if the party whose heirs or personal representatives they are supposed to be were living and a party to such decree, and the making in such case of the unknown foreign personal representative of a deceased non-resident, a party defendant to the case shall give the court the same jurisdiction over the personal estate of such decedent as if an executor or administrator of such decedent to whom letters testamentary or of administration had been granted by an orphans' court or register of wills of this State had been made such party defendant; provided, however, that if letters testamentary or of administration on the estate of such decedent shall, after the making of such unknown foreign personal representative a party defendant, be granted upon the personal estate of such decedent by any orphans' court or register of wills of this State, the executor or administrator so appointed may intervene in such chancery case, if the same be still pending and shall thereupon be substituted as a party defendant in the place of said foreign personal representative and shall thereafter represent the personal estate of such said decedent, the provisions of this section

to apply to all cases including bills of review, bills of interpleader and supplemental bills.

*Hardester v. Sharretts*, 84 Md. 149.

1890, ch. 472.

**112 a.** Where a non-resident of this State has died, upon whose personal estate no letters testamentary or of administration have been issued by any orphans' court or register of wills of this State, but upon which estate such letters have been issued by a court of probate or other proper authority in some other State, territory or foreign country, it shall be sufficient in any case in chancery in this State now pending or hereafter to be instituted, in which said decedent or his executor or administrators was or would be a proper party defendant, to make such foreign executor or administrator a party defendant thereto, and the making of such foreign executor or administrator a party defendant to such case shall give the court the same jurisdiction over the personal estate of such decedent as if an executor or administrator of such decedent to whom letters testamentary or of administration had been granted by an orphans' court or register of wills of this State had been made such party defendant, and said foreign executor or administrator may in any such case, if a non-resident of this State, be proceeded against as provided for in cases of other non-residents, or if within this State, by service of summons upon him, or said foreign executor or administrator may voluntarily appear to the action, or otherwise become or be made a party defendant as in cases of other parties defendant; provided, however, that if letters testamentary or of administration of the estate of such decedent shall after the making of such foreign executor or administrator a party defendant, be granted upon the estate of such decedent by any orphans' court or register of wills of this State, the executor or administrator so appointed may intervene in such chancery case, if the same be still pending, and shall thereupon be substituted as a party defendant in place of said foreign executor or administrator, and shall thereafter represent the personal estate of said decedent.

1896, ch. 38.

h. 289 **114.** In all suits in chancery against non-residents or against persons who may be proceeded against, as if they were non-resi-

dents, the court may order notice to be given by publication, in one or more newspapers, stating the substance and object of the bill or petition, and warning such party to appear on or before the day fixed in such order and show cause why the relief prayed should not be granted, and such notice shall be published as the court may direct, not less, however, than once a week for four successive weeks, previous to fifteen days before the day fixed by such order for the appearance of the party; provided, if a copy of the order be personally served on such party one month before the day fixed for his appearance, if he be within the limits of the United States, or three months if beyond, such service shall have the same effect as a publication. Proof of said service must be as follows: First, if served by the sheriff, his certificate thereof; second, if by any other person, his affidavit or affirmation thereof, made and signed before a notary public and certified by him; third, the written admission of the defendant proved to the satisfaction of the court; and such certificate, affidavit, affirmation or admission shall state the time and place of service. And any person making a false affidavit or affirmation as to any such service shall be guilty of perjury, and any sheriff making a false certificate as to the service of any such notice shall be liable for making a false return.

#### **Pleadings, Practice and Process.**

1890, ch. 424.

117. The circuit courts for the several counties of this State, and the circuit court of the city of Baltimore, and the circuit court number two of the city of Baltimore, as courts of equity, shall be deemed and taken to be always open for the transaction of business therein, and the several regular terms of said courts for the return of process and other practical purposes, shall be of two months' duration, and shall commence in the counties on the first Monday of January, of March, of May, of July, of September, and of November of each year; and in Baltimore city shall commence on the second Monday of January, of March, of May, of July, of September, and of November of each year.

Ibid.

121. All process, other than process to give notice to, or to procure the appearance of defendants, shall be made returnable

to the first day of the term ensuing the date of such process ; and all process that may be issued for the appearance of parties, or to compel appearance, shall be made returnable in the several counties on the first Monday of the month ensuing the date of its issue, and in Baltimore city shall be made returnable on the second Monday of the month ensuing the date of its issue, but the plaintiff may, by special direction, require any process to be made returnable at the return day next after the first return day for such process ensuing the issuance of the same.

1892, ch. 654.

**186 A.** When any plaintiff, or any defendant, who has been duly summoned to answer a bill or petition in any of the equity courts of this State, shall die before final decree, leaving heirs at law or representatives, who should be made parties to said cause, or any one has been omitted, as a plaintiff or defendant in any equity cause, it shall not be necessary to file an amended bill or petition in said cause, but on a short petition setting forth their interest in said cause they shall be made a party plaintiff, or if a defendant, the court shall cause a summons to be issued requiring said party or parties to answer said bill or petition as originally filed ; and said short petition shall be taken and considered as a part of said bill.

*186 B. Answers &c of Corporations need not be answered. 1900 ch. 73.*

#### Sales.

1890, ch. 320.

**188.** Where any person dies or shall have died leaving any *190* real estate in possession, remainder or reversion, and not leaving *ch. 39* personal estate sufficient to pay his debts and costs of administration, the court on any suit instituted by any of his creditors, may decree that all the real estate of such person, or so much thereof as may be necessary, shall be sold to pay his debts, and the funeral expenses of the decedent to an amount not exceeding three hundred dollars shall be considered the debt of said decedent ; any person having claims for funeral expenses not exceeding three hundred dollars in the aggregate, shall be considered a creditor of said decedent within the meaning of this section, and shall have the same rights herein conferred upon the creditors of said decedent. This section to apply to all cases

where the heirs or devisees are residents or non-residents, or are of full age or infants, or of sound mind or *non compos mentis*, and to cases where the parties left no heirs or where it is not known whether he left heirs or devisees, or if the heirs or devisees be unknown, and if there be no heirs, the State's attorney shall appear to the bill.

Van Bibber v. Reese, 71 Md. 611. Hardesty v. Hardesty, 77 Md. 180. Mc Niece v. Eliason, 78 Md. 176.

### Trustee.

1892, ch. 241.

1900 205. Every trustee to whom any estate, real, personal or mixed, shall be limited or conveyed for the benefit of creditors, or to be sold for any other purpose, shall file with the clerk of the court in which the deed or instruments creating the trusts may be recorded a bond in such penalty as the clerk may prescribe, being as nearly as can be ascertained, double the amount of the whole trust estate, and with sureties to be approved by the clerk, conditioned for the faithful performance of the trust reposed in such trustee, which bond shall be retained and recorded in the office of said clerk; but when the sale is to be made in a contingency, no bond need be given until the contingency happens, but no title shall pass to any trustee as aforesaid until such bond shall be filed and approved as aforesaid, and no sale made by any such trustee, without such bond, shall be valid or pass any title to such property or estate. If real and personal property or real property be situate partly in the county or city in which the grantor resides and partly in one or more other counties, it shall be sufficient that a bond has been accepted and filed in the county of the grantor's residence. If the trust estate consists entirely of real estate in a county or counties other than of the residence of the grantor, it shall be sufficient that a bond has been accepted and filed in the county in which the deed has been first recorded.

\* See Act  
Ch. 123.

Stiefel v. Barton, 73 Md. 408. Gans v. Carter, 77 Md. 1. Fidelity & Deposit Co. v. Haines, 78 Md. 454. White v. Pittsburg Bank, 80 Md. 5. Moore v. Title Co., 82 Md. 289.

205 A. - 1900 Ch. 114 1894, ch. 530.

213. A trustee in the State of Maryland, either by deed or will, or by appointment by order of the circuit court of Baltimore city, or by any court in this State having equity juris-

diction, or the committee of any lunatic having funds, money or property of any kind or description, whether invested or uninvested, belonging to *cestui que trusts* or lunatic, may, upon order of the circuit court of Baltimore city, or upon order of any court of this State having equity jurisdiction, or any judge thereof, transfer, assign or pay over the principal of said trust estate, of whatever it may consist, and being the property of his *cestui que trusts*, or of such lunatic, to any other trustee of said *cestui que trusts* or committee, guardian or trustee of such lunatic, appointed as such by a court in any State of competent jurisdiction, or any judge thereof, whether the trustee, committee or guardian so appointed resides in the State of Maryland or elsewhere.

1894, ch. 580.

**214.** Upon application the circuit court of Baltimore city, or any court in this State having equity jurisdiction, is authorized and empowered to pass an order directing the transfer, assignment or payment of the trust funds, moneys or properties of said *cestui que trusts* or lunatics to any other trustee, committee or guardian, as specified and mentioned in section 213, provided the said court, before passing the order as aforesaid, or any judge thereof, as mentioned in the preceding section, who is hereby authorized and empowered to pass such order, shall be of opinion that it would be to the interest and advantage of the *cestui que trusts* or lunatic, that said transfer should be made, and the court or said judge shall further be satisfied that said new trustee, committee or guardian has properly bonded and been qualified as said trustee, committee or guardian.

*Ibid.*

**215.** The receipt and release of the trustee or trustees, committee or guardian, properly authenticated, as provided by article 79 of this Code, to whom the said trust moneys, properties and effects of the *cestui que trusts* or lunatics, shall or may have been paid over, assigned or transferred in virtue of the order or decree of the said Circuit Court of Baltimore city, or of any other court of competent jurisdiction in this State, or any judge thereof, shall be a good and sufficient release to the trustee or committee so paying over, transferring or assigning said trust moneys, properties and effects of said trust estate.

**Witnesses and Testimony.**

1890, ch. 86. 1896, ch. 85.

**225.** The court shall, on application of a party in interest, or may, of its own motion, order, that instead of the mode of taking testimony as provided in the foregoing sections, the witnesses, or any of them, shall be examined orally in open court in the presence of the judge or judges thereof, as to all or any of the facts or matters relevant in the cause or proceeding, and the evidence so taken shall be written down as delivered by the witnesses by such person, and in such manner as the court may have by special order or general rule directed, and when so written down, shall, with such documentary proof as shall have been with it offered and admitted, be filed as part of the proceedings, to be used as if taken before an examiner; or if the court shall have so ordered, such evidence shall be reduced to writing by counsel in the same manner as bills of exceptions now are at common law, and after the same shall have been signed by the judge or judges before whom the testimony was taken, shall, with the documentary proof at the same time offered and admitted, be filed as part of the proceedings to be used as if taken before an examiner.

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## ARTICLE XVII.

**CLERKS OF COURTS.**

**2 A.** Auditor's reports distributing proceeds of sale of real or personal property to be recorded. Section not applicable to Somerset, Baltimore or Calvert counties.

**20A.** Proceedings to be recorded whenever requested by party in interest upon payment of cost of recording, even though title to land be not involved.

**Clerk of the Court of Appeals.**

**40.** Salary of Clerk of Court of Appeals. Deputy Clerks—

their salaries. Record, books and dockets. Printing of records and briefs.

**40A.** Annual appropriation for current office expenses of the Clerk of the Court of Appeals.

**Clerks of the Circuit Courts.**

**58.** To issue licenses. Antedating of licenses forbidden.

**62.** Clerk to lay before Grand Jury list of licenses issued—Penalty.

**General Duties of Clerks.**

1890, ch. 888.

**2 A.** Whenever any auditor's report of distribution of the proceeds of sale of real or personal property shall have been ratified by any of the courts of this State, such audit and ratification shall be forthwith recorded by the clerk of said court in a book or books provided for that purpose, the cost of said record to be taxed in the costs of the case, and a certified copy of said record shall be evidence. This section shall not apply to Somerset, Baltimore or Calvert counties.

1894, ch. 513.

**20 A.** Said clerk, whenever requested in writing to do so by the trustee, attorney or party in interest, shall record among the chancery, judicial or other proper record books of his office, such bill of complaint, decree, order of court, trustee's report, auditor's account and report or other paper filed in a cause in his office, although the title to land may not be involved therein, provided the cost of such recording be first paid or provided for.

**Clerk of the Court of Appeals.**

1894, ch. 298.

**40.** The Clerk of the Court of Appeals shall have the custody of all the records and papers in the office of the late Court of Appeals, of the former Court of Appeals, and of the General Court. He shall receive a salary of \$3,000 per annum, for which sum, to be paid out of the treasury, the Comptroller of the State shall draw his warrant. Said clerk may appoint, subject to the approval of the judges of the Court of Appeals, such deputy clerks as the requirements of this office shall necessitate, who shall perform such duties as shall be prescribed by the said judges and clerk, and shall receive such salaries as the said judges and clerk may determine to be just and proper compensation for their services, to be paid in the same manner as is hereinbefore provided for the payment of the salary of the said Clerk of the Court of Appeals. The said Clerk of the Court of Appeals shall render an account, as now prescribed by law, of all fees, emoluments and receipts of his said office, and shall pay the same to the Treasurer of the State, as now required by law. The Clerk of the Court of Appeals shall provide his office with such record

books, dockets, etc., as may be suitable and necessary; and the sum of eight hundred dollars, or so much thereof as may be necessary, is hereby appropriated to pay for the same and such other necessary office expenses as he may incur. The record of causes pending in said court shall be printed under the direction of said clerk, and the briefs of counsel may be printed in like manner or may be printed by said counsel, at their option, and in every case the actual cost of the printing of said records and briefs, at current rates, and no more, shall be taxed in said causes as the cost of making copies of said records and briefs. He shall give certified copies, under the seal of said court, of all papers and records of which he shall have custody as aforesaid, and such copies shall be evidence in the same manner as other certified copies of records are.

1896, ch. 163.

**40 A.** The sum of eight hundred dollars, or so much thereof as may be necessary, is hereby annually appropriated to pay for the record books, dockets, stationery, postage and other expenses of the office of the Clerk of the Court of Appeals, for the payment of which the Comptroller of the Treasury is hereby directed to draw his warrants upon the Treasurer of Maryland, from time to time, upon production to him by the said Clerk of the Court of Appeals of the proper vouchers thereof. And the sum of five hundred dollars, or so much thereof as may be necessary, is hereby annually appropriated for the purpose of paying the cost of printing the records and briefs in State cases in the Court of Appeals, and the Comptroller of the Treasury is hereby directed to draw his warrant from time to time upon the Treasurer of Maryland for the amount properly payable by the State for the printing of such records and briefs in State cases in the Court of Appeals, upon the vouchers submitted to him and certified to be correct by the Attorney-General of the State of Maryland.

#### **Clerks of the Circuit Courts.**

1898, ch. 264.

**58.** They shall grant to every person who shall apply for the same, such license as he may desire, and be authorized to obtain, properly filled up and signed by them; but they are hereby

expressly forbidden to antedate any license or issue to any person or persons any license other than in the month for which the same is legally obtainable, under a penalty of fifty dollars for each and every offense, said penalty to be recovered by an action at law upon his official bond.

1898, ch. 294.

**62.** Every clerk shall lay before every grand jury attending his court a list of all licenses granted by him for two years prior to the meeting of such grand jury, setting forth in full the names of the parties licensed, the date of issue, the amount of capital stock, if any, the expiration of and the value of such licenses, under a penalty of fifty dollars for each and every offense, said penalty to be recovered by an action at law upon his official bond.

## ARTICLE XIX.

### COMPTROLLER.

**8.** Assistant clerks—their salaries.

**37.** Authority to adjust claims against defaulters and delinquents.

1892, ch. 299. 1894, ch. 172.

**8.** He may employ a clerk whose compensation shall be eighteen hundred dollars per annum, and two assistant clerks whose compensation shall be twelve hundred dollars each per annum.

1892, ch. 83. 1894, ch. 300. 1896, ch. 77. 1898, ch. 205.

**37.** The Comptroller is authorized and empowered to adjust and settle the claims of the State against all collectors, sheriffs, clerks of courts and registers of wills, and other collectors or receivers of public moneys and their securities, and against corporations and individuals who may be indebted to the State, in all cases where said claims accrued prior to and including the year 1896, and whether said claims be in the form of judgment or otherwise; and for the purpose of closing all such cases, the Comptroller is fully authorized to compromise the same by

1900  
Ch. 556  
1902  
Ch. 557

abating the interest that has accrued, or any proportion thereof, or any part of the principal debt in his discretion, so as to best subserve the interest of the State, and shall grant discharges to the said parties and their securities, upon the payment into the treasury of the amount required by him to be paid in the settlement as aforesaid; provided, the Comptroller shall be satisfied after thorough examination into the claim, that the same could not be collected for the State by legal process, and further, that the Governor and Treasurer, for the time being, shall each approve in writing any such abatement before the same shall be effective; and provided further, that no discharge or acquittance under this section shall be effective, unless the party or parties to be benefited by the same shall first pay the attorney who shall have the case in hand the legal fees, and all fees of clerks or sheriffs.

## ARTICLE XXI.

### CONVEYANCING.

#### Conveyances in General.

1. What estate shall not pass without deed duly acknowledged. Power of unmarried woman between 18 and 21 years of age to make deed of trust of her property. Proviso.
2. Acknowledgments within county or city where real estate lies.
3. Acknowledgments within the State, but out of county or city where real estate lies.

#### Mortgages.

- 39 A. Recording of release or assignment, or of mortgage or deed of trust. Proceedings to sell mortgaged property, how to be recorded in the counties. Section not applicable to Baltimore city.

#### Bills of Sale.

43. Acknowledgment within the State of bills of sale or chattel mortgages.

#### Defective Conveyance.

82. Conveyances defectively executed since Act of 1858, chapter 208, made valid. Saving in favor of creditors and purchasers.
- 82 A. Mortgages defectively sworn to since March 27, 1896, made valid.

#### Conveyances and Devises Binding on Streets and Highways.

88. Conveyances and devises of land binding on streets or highways to pass title to the centre of such streets or highways unless otherwise expressly declared.

**Conveyances in General.**

1890, ch. 210.

1. No estate of inheritance or freehold, or any declaration or limitation of use, or any estate above seven years, shall pass or take effect unless the deed conveying the same shall be executed, acknowledged and recorded as herein provided; and all such deeds shall be acknowledged before some one of the officers named in sections two, three, four and five of this article, and any unmarried woman between the age of eighteen years and twenty-one years, shall have power to make a deed of trust of her property, real, personal or mixed; provided the same shall be approved and sanctioned by a court having equity jurisdiction in the city or county where the grantor resides, upon the petition of the said grantor, and such proof as the said court in its discretion may require.

Nickel v. Brown, 75 Md. 185. Hoffman v. Gosnell, 75 Md. 589.

1890, ch. 232.

2. If acknowledged in the county or city within which the real estate or any part of it lies, the acknowledgment may be made before, first, a justice of the peace for such city or county; second, a judge of the orphans' court of such county or city; third, a judge of the circuit court for the county; fourth, a judge of the Supreme Bench of Baltimore city; fifth, a notary public.

1890, ch. 232. 1892, ch. 4.

3. If acknowledged within the State, but out of the county or city wherein the real estate or any part of it lies, the acknowledgment may be made before, first, a notary public; second, any judge of the circuit court for the circuit in which the grantor may be, or any judge of the orphans' court of the county in which the grantor may be; third, any judge of the Supreme Bench of Baltimore city or any judge of the orphans' court of said city; fourth, any justice of the peace for the county or city where the grantor may be at the time of the acknowledgment, the official character of the justice being certified to by the clerk of the circuit or superior court under his official seal.

**Mortgages.**

1890, ch. 14. 1890, ch. 373.

**39 A.** Whenever any assignment or release of a mortgage, or any release or assignment of an interest in any deed of trust is made by a separate deed, or in any other mode than that prescribed in sections 32, 34, 35 and 36 of this article, and whenever any proceedings to foreclose a mortgage are had, or a sale under any deed of trust is made, it shall be the duty of the clerks of the circuit courts of the counties to enter in the margin of the record of the original paper a memorandum of the place where such deed of assignment or release, or proceedings of foreclosure, or report of sale, as the case may be, is recorded; and the clerk making such entry shall charge therefor the sum of twenty-five cents, to be taxed as part of the fee for recording such assignment or release, or as part of the costs of the case where there has been a foreclosure of mortgage or sale under a deed of trust. This section shall not apply to Baltimore city.

**Bills of Sale.**

1892, ch. 663.

**42.** A bill of sale or chattel mortgage, if acknowledged within this State, may be acknowledged before any officer authorized to take acknowledgments of deeds within this State in the same manner as deeds are acknowledged, or acknowledged as certified.

**Defective Conveyances.**

1890, ch. 120.

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4.3.  
**82.** All deeds, mortgages, bonds of conveyance and bills of sale which have been executed and acknowledged, and are recorded in this State subsequent to the passage of the act of the General Assembly of Maryland, passed at the January session, eighteen hundred and fifty-eight, chapter two hundred and eight, which may not have been acknowledged according to the laws existing at the time of said acknowledgment, or where the certificate of acknowledgment is not in the prescribed form, shall be and the same are hereby made valid to all intents and purposes as if the said acknowledgment and the certificate thereof had been in legal form; provided, that said deeds, mortgages, bonds of conveyance and bills of sale in other respects are in conformity

with the laws; and provided further, that nothing in this section shall affect the interest of *bona fide* purchasers or creditors without notice who may have become so previous to the enactment of this section.

1898, ch. 49.

**82 A.** All mortgages and assignments of mortgages defectively sworn to since the twenty-seventh day of March, in the year eighteen hundred and ninety-six, before any officer authorized by the laws of this State to administer oaths and take affidavits, shall be as valid as if the same had been made in conformity with law.

### **Conveyances and Devises Binding on Streets and Highways.**

1892, ch. 684.

**88.** All devises, gifts, grants or conveyances of land in this State, binding on any street or highway, or when any street or highway shall be one or more of the lines thereof, shall be construed to pass to the devisee, donee, or grantee therein, all the right, title and interest of the devisor, donor or grantor of the said land, to the centre of the street or highway on which the same is located or binding as aforesaid, unless the devisor, donor or grantor shall in express terms in the writing by which the devise, gift or conveyance is made, reserve to himself all the right, title and interest to the said street or highway.

*Rieman v. Balto. Belt R. R. Co.*, 81 Md. 79.

## ARTICLE XXIII.

### **CORPORATIONS.**

#### **Miscellaneous Provisions.**

8. Corporation officers to give notice of intention to canvass votes.
11. Oath required before voting by proxy.

#### **Provisions for the Formation of Corporations.**

14. *Class 1.* Educational associations and hospitals may hold property out of State.

15. *Class 2 A.* Appropriation for county agricultural fair associations.

2 B. Any county subscribing the required amount entitled to benefit of these provisions.

2 C. Who not entitled to the benefit of these provisions.

2 D. Association must make annual statement to Comptroller of Treasury.

19 A. *Class 6 A.* Printing and publishing business.

20 A. *Class 7 A.* Trading, commercial or mercantile business where the principal office is in the State.

29. *Class 16.* Savings institutions.

37 A. *Class 25.* Preservation of game and fish.

37 B. *Class 26.* Fire patrol, property patrol, police patrol, land patrol and water patrol companies.

39 A. Consolidation of two or more corporations; property and rights to vest in the consolidated corporation.

39 B. Consolidation of corporations belonging to class 1.

#### General Regulations.

42.-3. Purpose for which incorporation is sought; what corporations may have perpetual existence.

47. Amendments or alteration of charter, how to be made.

69. Loans may not be made to stockholders. Proviso.

85 A. All safe deposit, trust and fidelity companies to make annual report to the Treas-

urer of Maryland. What report shall state.

85 B. State Treasurer to examine such companies.

85 C. What inquiry to be made in such examination.

85 D. Treasurer to order discontinuance of any violation of charter.

85 E. Deposits by guarantee companies to be made with State Treasurer.

85 F. In case of neglect to make deposit, Attorney General to institute proceedings against such company.

85 G. Limitation of such deposit.

85 H. False swearing as to report and examination to be deemed perjury.

85 I. Treasurer shall surrender deposits, when.

85 K. Treasurer to report to General Assembly.

85 L. Liability of stockholders to depositors.

#### Building or Homestead Associations.

98. Advances on and purchases of stock.

99. Unpaid instalments secured by mortgage.

104 A. Loans upon chattels to be made under corporate name only; legal interest only to be charged.

#### Foreign Corporations.

109 A. Copy of charter to be filed with Secretary of State by certain classes of foreign corporations.

109 B. Secretary of State to issue his certificate to such corporations.

109 C. Agent or employee may not act before the issue of said certificate.

109 D. No such corporation to maintain action unless such copy of charter is so filed.

109 E. Secretary of State to furnish copies of charters and certificates upon application.

### **Gas and Electric Light Companies.**

111. Powers of electric light companies.

### **Insurance Companies.**

114 A. Mutual or co-operative life, accident or health insurance companies may become joint stock corporations; rights of policy holders.

119 A. Life insurance companies may not discriminate in favor of individuals of the same class in the payment of premiums.

119 B. No State license for allowance of rebate to be procured.

119 c. Penalty for violation of foregoing provisions.

### **Insurance Department.**

121 A. Insurance Commissioner may employ counsel. His compensation; how paid.

122. *Eighth.* Insurance commissioner to have affairs of insurance companies investigated.

123 A. Conditions under which "Lloyds" may transact business.

126. License to agents and solicitors. Tax on premises collected. Fees to insurance commissioner.

127. Penalty for acting without license. "Insurance Company," defined.

128. Mutual co-operative assessment or stock plan insurance companies.

128 A. Such organizations may make contract of insurance upon adults and infants.

138. Penalty for neglect by insurance companies to comply with sections 121-127; proviso.

141 A. Companies may insure against loss by burglary and money as securities in course of transportation.

141 B. Requisite provisions before such company may transact business.

141 c. Liability of policy holders of such company limited membership fee and premiums as originally contracted.

142 A. When untrue statements in application for life insurance may forfeit policy.

142 B. Mistaken statement of age of insured; real age to be the basis of payment.

142 c. Abstract of annual statement to be published by insurance companies. Joint trustees in the counties; proviso.

143 A. Insurance brokers' license.

143 B. Cost of such license.

143 c. Penalty for doing such business without license.

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### **Fraternal Societies, Orders or Associations.**

143 E. Form of government. Funds. Beneficiaries. Subject to sections 143 E to 143 H.

143 E1. Voting qualification. Election of representatives. Quorum.

143 F. Copy of charter and other papers to be filed with insurance commissioner.

143 G. Insurance Commissioner to examine into the affairs of such association.

143 H. Annual report to be filed with the insurance commissioner by such association.

143 I. Insurance commissioner to act as attorney for non-resident societies.

143 J. Abstracts of reports of insurance commissioner to be furnished to such associations.

143 K. When such associations may employ paid agents.

143 L. Money of such association exempt from attachment.

143 M. Meetings of governing bodies.

143 N. Penalty for false statement by officers or members.

143 O. Penalty for refusal by such association to make reports.

143 P. Penalty against agent violating sections 143 M to 143 R.

143 Q. Incorporation under this article.

143 R. Changing charter or constitution, a forfeiture of privileges of section 143 E.

143 S. Insurance commissioner to notify societies of the passage of this law.

143 T. To what societies, orders or associations these provisions do not apply.

#### **Railroad Companies.**

167. Railroad companies may purchase or condemn property. Condemnation proceedings.

167 A. Jury of inquisition.

167 B. Right of way of unfinished railroad unused for ten years to be held to be abandoned.

169 A. To what roads sections 167 to 169 shall apply.

178. In what cases railroads may consolidate. Parallel and

competing railroads may not consolidate without special act.

180 A. When railroads may sell freight.

204 A. Railroads may not withhold wages of its employes for benefit of relief associations of the members thereof. Penalty.

204 B. The Board of Public Works may extend the time allowed to railroad companies for removing stoves from their cars.

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211. Plan to be acknowledged and recorded in church book.

217. Protestant Episcopal Church may incorporate vestries; proviso. Confirmation of parishes.

217 A. Incorporation of congregations of Roman Catholic Church.

217 B. Powers of such corporations.

217 C. Mode of filling vacancy in such corporations.

217 D. Trusts, gifts, &c., how conveyed to such corporations.

#### **Telegraph Companies.**

232 A. Telephone rates.

232 B. Charges for use of telephone between cities in the State of Maryland.

232 C. Meaning of the word "telephone."

232 D. Telephone companies may not discriminate between applicants.

232 E. Penalty for excessive charges.

232 F. Contracts may be made for special telephone service. Proviso.

232 G. Telephone commissioners appointed by the Governor. Powers and duties. Expen-

ses of said commissioners,  
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**Turnpike, Plank Road and Passenger Railway Companies.**

236 A. Rates of toll for traction engines and vehicles attached thereto to be fixed by turnpike and plank road companies.

243. Roads to be kept in repair. Proceedings in case of neglect.

**Trust, Surety and Fidelity Companies.**

244 A. Execution of bond. Validity and effect of bond.

244 B. Requisite capital and assets of such company. Certificate of incorporation and other papers to be filed with State Tax Commissioner. Annual statement.

244 c. State Tax Commissioner to issue certificate of qualification to such company.

**Water Companies.**

246. May acquire and hold property. Not to apply to Baltimore city.

**Dissolution of Corporations.**

264. Insolvent corporations may be adjudged to be dissolved by Courts of Equity. Proceedings.

264 A. Unlawful conveyances by insolvent corporations. Preferences.

276 A. No corporation may be dissolved until State taxes are paid.

**Process.**

296. Upon what officers of corporations process may be served.

304. Corporation acting as trustee or other fiduciary may not also become surety on the bonds of fiduciaries.

**Miscellaneous Provisions.**

1892, ch. 594.

8. Whenever five or more stockholders of any private corporation created under the laws of this State, at least thirty days before an election for managers, directors or other officers of such corporation elected by the stockholders thereof, shall give notice in writing of their intention to canvass the votes, which may be given at the next election thereof, and shall deliver said notice, at the usual place of business of such corporation, to the president, cashier, secretary, treasurer, director or other principal manager of such company, it shall be the duty of the officers receiving such notice, immediately to communicate the same by mail to all the stockholders of said corporation living in the State and living in other States, so far as their places of residence appear on the books of such corporation.

1892, ch. 594.

11. If notice shall be given for a canvass of votes, as prescribed in section eight, then at the election with reference to which such notice shall be given, no person or body corporate shall vote by proxy on stock held in any private corporation unless the person, or in case of a body corporate the president, cashier, or some lawfully constituted officer thereof, shall make oath before some person authorized by the laws of Maryland, or by the laws of the State where the same shall be administered, to administer an oath to the same effect as required by section nine of this article, a certificate of which oath shall be produced before the person or persons holding said election before any vote by proxy shall be received.

**Provisions for the Formation of Corporations.**

1890, ch. 339. 1892, ch. 39.

14. *Class 1.* For the creation and maintenance of educational, moral, scientific, literary, dramatic, musical, social, benevolent or beneficial societies or associations of all descriptions, of religious or charitable societies or associations, fire engines and hose companies, and of uniformed volunteer companies, of universities, colleges, academies, hospitals or asylums, provided such corporations are located in this State and that the property which they possess or acquire is located therein, but corporations formed for the creation and maintenance of educational associations, universities, colleges, academies, hospitals or asylums, may take and hold any property, real or personal, situate out of this State which may be given, granted, devised or bequeathed to said corporations, and may hold, use or sell and convey the same, or may deal with it in any manner not inconsistent with law.

1892, ch. 670. 1894, ch. 420.

15 A. *Class 2 A.* With the view of promoting, encouraging and fostering agriculture in this State, the sum of five thousand dollars is hereby appropriated annually for the purpose of aiding the agricultural fair associations now existing, or those which may hereafter be organized in this State, to be equally divided among said fair associations and to be paid them by the treasurer upon the warrant of the Comptroller of Treasury, by said associations complying with the provisions of sections 15 A to 15 D, inclusive.

1892, ch. 670. 1894, ch. 420.

**15 B. Class 2 B.** Any county in this State, whose citizens shall subscribe for and pay up a capital stock of not less than ten thousand dollars, or shall acquire and pay for real estate and improvements thereon to the said value of not less than ten thousand dollars, and shall be duly incorporated under the laws of this State as a fair association, upon filing a certified copy of the certificate of incorporation and the affidavit of the president of such association that the stock has been fully paid up or the property acquired and paid for to the amount herein required, with the Comptroller, shall be entitled to the benefits of sections 15 A to 15 D; provided, that but one association in each county shall be entitled to the benefits derived under said section.

Ibid.

**15 C. Class 2 C.** No existing association or any which may hereafter be formed in this State, for the purpose of holding agricultural fairs, shall be entitled to the benefits of said sections, which has five hundred dollars surplus in its treasury, or has, within the year preceding the application by it for the payment of any share of the money hereby appropriated, declared a dividend to its stockholders.

Ibid.

**15 D. Class 2 D.** Any existing association in this State, or which may hereafter be organized, desiring to avail itself of the provisions of said sections, is hereby required to forward to the Comptroller of the Treasury, on or before the first Monday in December of each year, a statement under the hand of its president, attested by the treasurer and the corporate seal of such association, giving in detail the financial condition of said association for the year immediately preceding such application.

1890, ch. 134.

**19 A. Class 6 A.** For the purpose of carrying on the business of printing, publishing or selling books, pamphlets or newspapers, or of carrying on the general business of a job printing office.

1894, ch. 599.

**20 A. Class 7 A.** For conducting or carrying on in this State and elsewhere, any lawful wholesale or retail trading, commercial or mercantile business, where the principal office and place of business of the corporation are located in this State.

1890, ch. 272.

**29. Class 16.** For the formation of savings institutions.

Reed v. Balto. Trust & Guar. Co., 72 Md. 588.

1896, ch. 114,

**37 A. Class 25.** For the protection and preservation of game and fish in the State of Maryland.

1898, ch. 168.

**37 B. Class 26.** For the formation of fire patrol, property patrol, police patrol, land patrol and water patrol companies.

1892, ch. 666.

**39 A.** When the aforesaid certificate of union shall have been executed, acknowledged and recorded as provided in section 39 of this article, all the property and assets belonging to said former separate corporations of whatsoever nature and description and all the powers and rights and all the debts and liabilities of said former separate corporations of whatsoever nature and description, shall upon such recording as aforesaid, be devolved upon said new consolidated corporation, and every devise or bequest in favor of either of the former separate corporations, and which said former separate corporations would have been capable of taking, shall devolve upon said new consolidated corporation, which shall be regarded as substituted by operation of law in the room and stead of said former separate corporation.

State, use of Dodson, v. Balto. & Lehigh R. R. Co., 77 Md. 492.

1896, ch. 410.

**39 B.** Any educational, charitable or other corporation, formed under class one of this article, and having no capital stock, or any corporation of a like character to those mentioned in said class one, heretofore formed and now existing, and having no capital stock, may unite with any other corporation incorporated under said class one, and having no capital stock; provided, that

a majority of the members of each of the corporations forming such union shall assent thereto ; such union or consolidation shall be made upon such terms and conditions and shall have such name as shall be agreed upon by the said corporations forming such union ; a certificate of such union or consolidation and the particulars thereof, shall be executed by the said corporations and be acknowledged and recorded as other certificates of incorporation are in this article directed to be acknowledged and recorded, and thereupon all the property and assets belonging to said former separate corporation, and all their powers and rights and all the debts and liabilities of said former separate corporations, shall be devolved upon said new consolidated corporation ; and every devise and bequest in favor of either of the former separate corporations, which it would have been capable of taking, shall devolve upon said new consolidated corporation, which shall be regarded as substituted by operation of law in the place and stead of said former separate corporations.

#### **General Regulations.**

1890, ch. 839. 1892, ch. 39. 1894, ch. 557.

**42.—3.** The object or purposes for which incorporation is sought, the time of its existence not to exceed forty years, and the articles, conditions and provisions under which the incorporation is formed ; provided, that the limitation as to the duration of the existence of corporations formed under this article shall not apply to gas light companies, cemetery companies, or to corporations formed for the creation or maintenance of educational associations, universities, colleges, academies, hospitals or asylums, and that certificates of incorporation of all corporations named in the proviso may contain provisions for perpetual existence.

Order Int. Frat. All. v. State, 77 Md. 561.

*Ibid.*

**47.** If any alteration or amendment of the articles or provisions of the charter of any said corporations shall be made by the authority of the corporations, such alterations or amendments shall be made known, acknowledged and recorded in the same manner as prescribed in sections forty-two, forty-three and forty-four of this article, and after the said alteration or amendment shall be recorded, the same shall be taken to be a part of

the said charter or instrument, as if the same had originally been made a part thereof; and any corporation heretofore formed under the provisions of this article for the creation or maintenance of educational associations, universities, colleges, academies, cemetery companies, hospitals or asylums, the existence of which, by the terms of its charter, is limited to a period of forty years or less, is authorized to amend its charter, so as to provide for perpetual existence.

1898, ch. 228.

**69.** No loan of money shall be made by any such corporation to any stockholder therein; and if any such loan shall be made to any stockholder, the officer or officers who shall make it or who shall assent thereto shall, in the event of the insolvency of such corporation, be jointly and severally liable for all the debts of the corporation contracted before the making of said loan to the extent of double the amount of any loss arising out of the said loan; this section shall not, however, apply to any building or homestead association or any association for the loan of money on real or personal property, or to any savings institution or other corporation receiving money on deposit or authorized by its charter to receive money on deposit.

*n. 291*

*§ 5A-B-C, 1900 ch. 272,*  
1892, ch. 109.

**85 A.** Every safe deposit, trust, guaranty, loan and fidelity company or association incorporated under any law of this or any other State, district or territory, the United States or any foreign country receiving money on deposit or assuming any obligations in this State, shall semi-annually on the last business days of June and December, respectively, or within ten days thereafter, in each and every year, make a full report in writing of the affairs and condition of such corporation at the close of business on the last days of June and December, respectively, in each year, to the Treasurer of Maryland, verified by oath, in such form and by such officers of said respective corporations as said treasurer may designate, and such report shall state the amount loaned upon bond and mortgage together with a list of such bonds and mortgages, and the location of the mortgaged premises, as have not previously been reported, and also a list of such bonds and mortgages previously reported, as have since been wholly or in part paid, and the

amount of such payments respectively ; the cost, par value, and estimated market value of all stock investments, designating each particular kind of stock ; the amount loaned upon the pledge of securities of whatsoever kind, with a statement of the securities so pledged and held as collateral for such loans ; the amount invested in real estate, giving the cost of the same ; the amount of cash on hand and on deposit in bank, or wheresoever else, with the name of such banks or places of deposit, and the amount deposited in each, and such other information as the said treasurer may require ; such report shall also state all the liabilities of such corporation, the amount due depositors, which shall include any dividend to be credited to them and any other debts or claims against such corporation which are or may be a charge upon its assets. And the said treasurer may require that a like report, either wholly or in part, as to the particulars aforesaid, be made to him at any other time by any such corporation aforesaid within such period as he may designate.

1892, ch. 109.

**85 B.** It shall be the duty of said treasurer, yearly, either personally or by some competent person or persons, to be appointed by him, to visit and examine every such corporation having an office or place of business in this State required by section 85 A to report as aforesaid. The said treasurer and every such examiner shall have power to administer an oath to any person whose testimony may be required in the prosecution of any such examination, and all books and papers which it may be deemed necessary to examine by the treasurer or examiner by him appointed shall be produced. The expenses of every such examination, not to exceed twenty-five dollars, shall be paid by the corporation so examined. Whenever such examination shall be made by the treasurer personally, or by one or more of the regular clerks in his office, no charge shall be made for such examination, but only for necessary travelling and other actual expenses incurred by such examination.

Ibid.

**85 c.** On every such examination, inquiry shall be made as to the condition and resources of the corporation generally, the mode of conducting and managing its affairs, the action of its

officers, directors, managers, and those having charge of its business conduct, the investments of its funds, the safety and prudence of its management, the security afforded to those by whom its engagements are held and whether the requirements of its charter and of the law have been complied with in the administration of its affairs.

1892, ch. 109.

**85 D.** If it shall appear to the said treasurer from any such examination, as hereinbefore provided for, that any of said corporations has violated its charter, or the law pertaining to the same, or is conducting business in an unsafe or unauthorized manner, he shall, by an order under his hand and seal of office, addressed to such corporation, direct the discontinuance of such illegal or unsafe practices and require said corporation to act in conformity with the requirements of its charter and of law, and insist upon safety and security in its transactions; and whenever any such corporation shall refuse or neglect to make such report as hereinbefore required, or to comply with any such order as aforesaid; or whenever it shall appear to said treasurer that it is unsafe or inexpedient for any such corporation to continue to transact business, he shall communicate the facts to the Attorney-General who shall thereupon be authorized to institute such proceedings against any such corporation as are now or may hereafter be provided by law.

1892, ch. 109. 1896, ch. 160.

**85 E.** Every such corporation transacting as part of its business the security or guarantee business shall, within six months from the 2d of April, 1896, and from time to time thereafter, if need be, transfer and assign to the said treasurer registered public stock of the United States or of the State of Maryland, or of Baltimore city, or the bonds of any county or municipal corporation of this State, which shall be approved by said treasurer to the amount in value of one hundred thousand dollars, and said amount shall be at all times maintained by said corporation; which stock must be registered in the name of said treasurer, officially, as held in trust under and pursuant to this section, and the same shall be held by said treasurer in trust as security for all the holders of policies or guarantees of said corporation; pro-

vided, however, that no such corporation incorporated under any law of any other State, district or territory, the United States or any foreign country, shall be required to make the deposit above set forth, with the treasurer, of this State, if said corporation shall have made with the insurance commissioner, treasurer or other proper officer of any State, district or territory in the United States, a deposit in the amount as above set forth, of any securities as shall have been approved by the proper officer where made, for the benefit of all the holders of policies or guarantees of said corporation, as above set forth, and a certificate thereof under the hand and official seal of said proper officer shall have been filed with said treasurer; and all other corporations mentioned in section 85 A, not transacting as part of their business the security or guarantee business shall, within six months from the 2d of April, 1896, and from time to time thereafter, if need be, transfer and assign to the said treasurer, registered public stock of the United States, or of the State of Maryland, or of Baltimore city, or the bonds of any county or municipal corporation of this State, which shall be approved by said Treasurer to the amount in value of fifteen per centum of the paid-up capital stock of such corporation, and said amount shall be at all times maintained by said corporation, so that the amount of such stock in the hands of said treasurer shall at all times be equivalent, at its par value, to fifteen per centum of the paid-up capital stock of such corporation, but not less in any case than thirty thousand dollars; which stocks must be registered in the name of the said treasurer, officially, as held in trust under and pursuant to this section, and the same shall be held by the said treasurer in trust as security for the depositors with, or creditors of said corporation; and all of the said stocks so held in trust by the said treasurer and deposited by any of the corporations above named, either transacting the security or any other class of business, shall be held by said treasurer subject to sale and transfer, and to the application of the proceeds of such sale by the said treasurer only on the order of any court of competent jurisdiction, and until the order of such court authorizing such sale or transfer, or otherwise to the contrary, said treasurer shall pay over to such corporation the interest which may be received on the said securities, or he may authorize the said corporation to collect and

receive the same for its own benefit. Should any such corporation at any time have deposited with said treasurer more than the amount hereby required, such excess may be refunded.

1892, ch. 109.

**85 F.** In case any such corporation, now or hereafter doing business in this State, not chartered under the authority of this State, shall refuse or neglect to make the deposit hereinbefore provided, the fact shall be reported by the said treasurer to the Attorney-General, who shall thereupon, without delay, institute such proceedings as may be necessary to enjoin and restrain such corporation from transacting any business in this State, and the Court before which such proceedings shall be begun, shall be authorized to make such order or decree, and to issue such process in the premises to enforce compliance by such corporation with the provisions of this statute, or to restrain the transaction of business by such corporation in this State as it may deem proper.

Ibid.

**85 G.** The amount of money which any corporation shall have on deposit, or hold in trust, or loan at any time, shall not exceed ten times the amount of its paid-up capital and surplus, and its outstanding loans, shall not, at any time exceed said amount; but any such corporation authorized to receive court deposits, may, at any time, receive on deposit and loan out any money which may be deposited with it by order of any of the courts of this State, notwithstanding such limitation.

Ibid.

**85 H.** Any willful false swearing, relative to the report and examination hereinbefore provided for, by any person, shall be deemed perjury, and be subject to the prosecutions and punishments for that offense now or hereafter provided for by law.

Ibid.

**85 I.** Whenever it shall be proven to the satisfaction of said treasurer that any such corporation has surrendered its charter or ceased to do business in this State, and has liquidated all its indebtedness to depositors and creditors, he shall surrender to

such corporation any deposit which may be so held by him in trust for the benefit of the depositors and creditors of any such corporation.

1892, ch. 109.

**85 K.** It shall be the duty of said treasurer to report to the General Assembly, at each regular session, a summary of the state and condition of every trust or other corporation required to report to him or to be by him examined; and such summary shall give the date to which such reports refer, the amount of capital held by each of said corporations, the whole amount of its debts and liabilities, the total sum of its resources and such other information as he may deem useful. Any corporation making the reports and deposits herein provided for shall not be required to make any report to or submit to any examination by the Insurance Commissioner.

Ibid.

**85 L.** Each stockholder shall be liable to the depositors and creditors of any such corporation for double the amount of stock at the par value held by such stockholder in such corporation.

*85 M.-1900 ch. 212, (Ins. Co. may deposit certain bonds ref.)  
85 N.-1904 ch. 281.*

#### **Building or Homestead Associations.**

1894, ch. 321.

**98.** Such corporation, at any time in advance of the period of time at which it may cease to exist, according to the plan contained in the original articles of association, may advance to any member thereof, for such premium as may be agreed upon, the sum which he would be entitled to receive upon the dissolution of the corporation, or the maturity of the series to which he belongs, when said corporation has more than one series of stock, for any number of shares therein held, or may purchase from any member thereof the share or shares of stock held by him, at such price or sum as, according to the articles of association, such member may agree to receive, or instead of receiving the whole amount of said premium (in advance or deducting the whole amount of said premium) from the amount of said advance, the borrower may pay the same in weekly, monthly or such other instalments as may be agreed upon; and on payment

of said sum of money, may receive from such member security as mentioned in the next succeeding section of this article, for the payment by such member to such corporation of the unpaid instalments and unpaid premiums, to be paid on the share or shares of stock so sold or redeemed, together with interest at the rate of six per cent. per annum on the sum so paid or advanced, at such times and subject to such fines and penalties for the non-payment thereof as may be prescribed in the articles of the association or in the by laws, and such corporation shall have power to issue full paid-up shares of stock to its members upon such terms as may be set forth in its by-laws.

*Faust v. Building Association*, 84 Md. 190. *Comm'l Asso. v. Mackenzie*, 85 Md. 142-3. *Salisbury Asso. v. Wicomico Co.*, 86 Md. 619.

1894, ch. 321.

904 99. The payment of the unpaid instalments and the premiums  
240 on the share or shares so purchased or redeemed, with interest on the money paid therefor as aforesaid, and all fines and penalties incurred in respect thereof by any member, shall be secured to such corporations by mortgage on real or leasehold property, or by the hypothecation of stock of such corporation held by such member, as may be provided in the articles of association or by-laws; but in case of hypothecation of stock, no greater sum of money shall at any time be drawn out by any member than shall have been already paid in by him on all his shares at the time of such hypothecation, and any such mortgage and the mortgage debt created thereby, and the shares of stock of any such corporation, and of all corporations for the loan of money on mortgage of real or leasehold property, are declared to be exempt from taxation to the extent of the investments of such corporation in such mortgages, the property so mortgaged to the corporation being taxed in the hands of the individual member or mortgagor.

*Middle States Co. v. Mattress Co.*, 82 Md. 513. *Comm'l Asso. v. Mackenzie*, 85 Md. 142-3. *Salisbury Ass. v. Wicomico Co.*, 86 Md. 619-620.

1894, ch. 629.

104 A. No corporation incorporated under the laws of this State, for any purpose whatsoever, nor any foreign corporation doing business in this State, shall offer to procure or act as agent for any person or persons in procuring or making any loan

of money or other valuable thing on the security of any chattels, nor shall make any loan of money or of any other valuable thing on the security of any chattels or otherwise, except in its own proper corporate name and for its own behalf or benefit; and no such corporation making any such loan, as aforesaid, shall be entitled to charge any borrower of money from it, or shall take from any borrower from it, or other person, any other thing for or in the name of premium, or of compensation for renewing or continuing any such loan as it may be authorized to lawfully make, than lawful interest at the rate of six per centum per annum, for the term during which such loan shall be renewed or continued; and every security taken by any such corporation for any such loan as aforesaid, shall express plainly the period of time for which such loan is made, and the entire interest agreed to be paid for said loan for the term of such loan, which entire interest shall in no case nor by any means, be made to exceed the rate of six per centum per annum on the money or other thing loaned for the term of such loan; and any contract or security for any such loan, or providing for the renewal or continuance of any such loan, made in violation of this section, shall be absolutely null and void. And no person or persons in this State, shall assume to deal or act as a corporation, or in any corporate name, or in any other than in his, her or their own proper name or names, in any of the matters or things prohibited by this section, under a penalty of not less than fifty dollars for every offense, to be recovered by indictment in any court having criminal jurisdiction in the city or county where any such offense may have been committed; and every security taken by any such person or persons in any such name of a corporation, or in any other than his, her or their own proper name or names, shall be absolutely null and void; provided, this section shall not apply to homestead and building and loan associations incorporated under the laws of this State.

*Comm'l Association v. Mackenzie*, 85 Md. 136.

#### **Foreign Corporations.**

1898, ch. 270.

**109 A.** Every corporation incorporated by or under the laws of the United States, or of any State or Territory of the United

States other than the State of Maryland, or of any foreign country, except telephone, banking, insurance and railroad companies, electric light or construction companies, and oil or pipe line companies, now doing business in the State of Maryland, or which shall desire to commence business in this State, shall, before transacting business in this State, either through an individual, agent or agents or through the agency of any corporation, organized under the laws of this State, or before opening or continuing any office for the transaction of any business in this State, first file in the office of the Secretary of State of Maryland, accompanied by a deposit fee of twenty-five dollars, a duly certified copy of the charter, certificate or act of incorporation, under which it claims the powers to transact business as a corporation, together with a sworn statement from the president or other chief executive officer of such corporation, under its official seal, setting forth the amount of its capital stock authorized by law, and the amount actually issued, the amount of its assets and liabilities, the character of the business to be transacted in this State, designating the place or places of its principal office or offices and the name or names of its agent or agents to reside in this State, with the place or places of their residence, upon whom legal process issued out of any court of this State, may at any time be served in any action, at the suit of the State of Maryland, or of any county or incorporated city or town of this State, or of any citizen or citizens of this State, or of any corporation organized under the laws of this State, which said charter, certificate or act of incorporation, and sworn statement as aforesaid, when received by the Secretary of State, shall be recorded at length by him in a well-bound book to be kept for that purpose, and a copy or copies thereof under the hand and seal of the Secretary of State shall be receivable in evidence in any suit at law or in equity, in any of the courts of this State by or against such foreign corporations, for the purpose of proving the existence or act of incorporation of such foreign corporation as fully as its charter duly certified would do, and also all other facts set forth therein.

1898, ch. 270.

**109 B.** At the time of receiving said certified copy of said charter, certificate or act of incorporation, together with the

sworn statement, duly executed as required herein, together with the deposit fee of twenty-five dollars, the Secretary of State shall issue to such corporation his certificate, under his hand and the seal of his office, setting forth that said corporation has complied with the requirements of the preceding section, that its business is such as may be lawfully carried on by a corporation incorporated under the general laws of this State, and that it is entitled to continue or to commence business in this State, as the case may be.

1898, ch. 270.

**109 c.** Any person or any officer of such corporation who shall presume to act as agent or employe of any such foreign corporation, or to open or continue an office for the transaction of the business of any such foreign corporation, before the provisions of section 109 A have been fully complied with, and before said corporation shall have procured the aforesaid certificate from the Secretary of State, shall forfeit and pay to the State of Maryland the sum of one hundred dollars for each and every day he may act as such agent or employe, or may occupy such office for the transaction of such business, and it shall be the duty of the State's attorney for the city or county in which such business is transacted, or is proposed to be transacted, to prosecute for and recover such penalty; provided, that agents or officers of foreign corporations doing business in this State on the 9th day of April, 1898, shall not be held liable to the penalties herein prescribed until on and after the first day of July, 1898.

Ibid.

✓ **109 d.** No such foreign corporation shall be permitted to maintain any action, either at law or in equity in the courts of this State, until the provisions of section 109 A shall have been complied with; provided, that in the case of such corporations doing business in this State on the 9th day of April, 1898, this section shall not apply until on and after the first day of July, 1898.

Ibid.

**109 e.** Upon the application of any person interested, it shall be the duty of the Secretary of State to furnish copies of such charters, certificates or acts of incorporation and sworn state-

ments, for which he shall be entitled to demand and receive from the person so applying the usual fees for transcribing the same, and he shall account quarterly to the Comptroller for the deposit fees received by him under the provisions of section 109 B, less the costs and expenses of recording the same.

### **Gas and Electric Light Companies.**

1890, ch. 588. 1894, ch. 808.

**111.** Any electric light company formed under this article shall have full power to manufacture and sell, and furnish such quantities of electric light or electric power as may be required or desired in any city or town of Kent, Talbot, Somerset, Carroll, Montgomery or Washington counties, of this State, in which or adjoining which the same may be located, for lighting the streets, roads, public or private buildings, or for motive power or other purposes; and such corporation is hereby authorized and empowered to lay, construct or build lines or conductors, under, along, upon or over the streets, squares, lanes, alleys and roads, paved or unpaved, and connect the same with any manufactory, public or private buildings, lamps or other structure or objects, and with the place of supply, subject, however, to any law or ordinance that may be passed by the municipal authorities of the city or town or the county commissioners having jurisdiction, for the filling up or restoring such streets or roads to their normal condition; and provided further, in the construction, maintenance, removal and repair of all such lines and appliances in Washington county, the same shall be done under such regulations as the Mayor and City Council of Hagerstown, or the County Commissioners of said county, having jurisdiction, shall prescribe; but nothing in this article shall authorize the incorporation of electric light companies for the purpose of carrying on business or conducting operations in Baltimore city.

Electric Light Co. v. Frederick City, 84 Md. 607. Edison Co. v. Hooper, 85 Md. 112-113.

### **Insurance Companies.**

1898, ch. 226.

**114 A.** Any mutual or co-operative assessment, life, accident or health insurance company heretofore incorporated, after having given notice once a week for six weeks of its intention to do so,

and of the meeting hereinafter provided for in two daily newspapers published in the county or city where such corporation is located, may, with the consent in writing of two thirds of the members of such corporation and the consent of three-fourths of its directors, become a joint stock corporation, subject to the existing laws of this State applicable to such corporations. The policy holders of said company shall have the first right to subscribe to said stock, subject to such equitable regulations as the directors may prescribe, but all such subscriptions must be made in cash, and at not less than par, and the assets and liabilities of the mutual company shall thereupon be and become the assets and liabilities of the joint stock company, except so far as herein otherwise provided. The reserve fund, if any, of the mutual company shall be and become reserve of the joint stock company, except so much of said reserve fund as may, on examination by the Insurance Commissioner, be deemed to be the interest in said reserve fund of those members of the mutual company who do not desire to become members of the said stock company, and said reserve, less the provision made above for the protection of outstanding mutual policy holders, or any part thereof, may be deposited with the Treasurer or Insurance Commissioner of Maryland, as guarantee capital for the payment of the policies of insurance issued by said company, as required by section 116 and section 128 of this article, and the mutual policies and all the rights and liabilities attached thereto, and all the powers and obligations of the company with reference to the same, shall survive so long as said policies shall remain in force, except that such policies shall be thereafter considered as policies for the largest amount which, according to their terms, might be payable thereunder, in case the assessment provided for should yield a sufficient amount to pay the same, and, if any certain number of assessments be specified upon said policies as payable by the holders thereof, the company shall not be entitled to levy any further assessments, even although such rights may have been expressly reserved in the policy; provided, however, that before any such company shall be entitled to do business as a stock company as aforesaid, the Insurance Commissioner shall, upon request, value the assets of the said company and its outstanding policies, and shall find and give his certificate that the admitted assets of

said company, including its capital stock, are sufficient to provide reserve upon all outstanding policies as required by the laws of this State in relation to insurance companies.

1890, ch. 254.

**119 A.** No life insurance company incorporated under the laws of any other State or county and doing business in the State of Maryland shall make or permit any distinction or discrimination in favor of individuals of the same class and equal expectation of life, in the amount or payment of premiums or rates charged for policies of life or endowment insurance, or in the dividends or other benefits payable thereon, or in any other of the contracts of insurance it makes, nor shall any such company or agent thereof make any contract of insurance or agreement as to such contract, other than as plainly expressed in the policy issued thereon, nor shall any such company or agent pay or allow, or offer to pay or allow, as inducement to any person to insure any rebate of premium payable on the policy, or any special favor or advantage whatever, in the dividends or other benefits to accrue thereon, or any valuable consideration or inducement whatever, not specified in the policy contract of insurance.

Ibid.

**119 B.** It shall not be lawful for any company organized under the laws of any other State or county, or its representative, to procure for any person seeking life insurance a State license for the purpose of allowing to such person a rebate.

1890, ch. 254. 1892, ch. 441.

**119 c.** Any life insurance company, its agent or agents, violating section one hundred and nineteen A, or one hundred and nineteen B, of this act shall be guilty of a misdemeanor and upon conviction thereof, the offender or offenders, shall be sentenced to pay a fine of five hundred dollars on each and every violation, when the amount of the insurance is twenty-five thousand dollars or less; and for every additional twenty-five thousand dollars of insurance or less, there shall be an additional penalty of five hundred dollars, and such offender or offenders shall be prohibited from doing insurance business in the State of Maryland until said fine is paid, or the said fine or penalty may

be sued for and recovered in the name of the State of Maryland by the State's attorney of the county or city in which such agent or agents may reside or in which the offense is committed, one-half of said penalty, when recovered, shall be paid into the treasury of the State, the other half to the informer of such violation.

**Insurance Department.**

1892, ch. 612. 1894, ch. 256.

**121 A.** The Insurance Commissioner is authorized to employ a counsel for the insurance department, at an annual compensation not exceeding one thousand dollars, which shall be paid out of the fees of said insurance department.

1894, ch. 272.

**122—*Eighth.*** Once, at least, during his term of office, and oftener if he should deem it expedient to do so, the Insurance Commissioner shall appoint some competent person or persons, who shall visit the principal office of every insurance company organized under the laws of this State, for the purpose of examining its affairs; and the person or persons so appointed shall have free access to the books and papers of every company thus visited, and shall thoroughly inspect and examine its affairs to such extent and make such inquiries as may be necessary to ascertain its condition and ability to fulfill its engagements, and whether it has complied with all the provisions of law applicable to its transactions. And whenever the Insurance Commissioner may have reason to doubt the solvency or the correctness of the statement of any company not organized under the laws of this State, which may have been licensed to do business in this State, or which may be applying for said license, he shall communicate such doubts and the reasons for them to the Insurance Commissioner or other officer charged with the supervision of insurance corporations of the State in which said company is located, and if he is not satisfied from the information obtained from such Insurance Commissioner or other officer, or from the officers of the company, that the condition of the company is such as to warrant him in permitting it to transact business in this State under the provisions of this article, he shall notify such company that it will be necessary for him to have its affairs examined by

some person or persons by him appointed, and for that purpose the person or persons by him appointed shall visit such company at its principal office, and make a thorough examination into all its affairs. And if such company shall refuse to permit such examination, or shall refuse free access to all its books and papers, or shall in any way prevent or obstruct a thorough examination into its affairs, he shall not grant a license to such company, or if a license shall already have been granted, he shall at once revoke it, and publish the fact of such revocation in one daily newspaper published in the city of Baltimore; and the person or persons by him appointed for any of the purposes mentioned herein, shall each be entitled to a sum not exceeding ten dollars (\$10) a day for each and every day he or they are engaged in any such examinations, and in addition thereto, he or they shall be paid his or their traveling and other expenses, which said per diem and expenses shall be paid by the company whose affairs are examined, and if not paid within ten days after the completion of such examination, may be sued for by the Insurance Commissioner. For the purpose of any examinations authorized by law, the Insurance Commissioner or the person or persons by him appointed shall have power to summon and examine any person being within this State, under oath, which said Insurance Commissioner or said person or persons by him appointed, are hereby authorized to administer, in relation to the affairs and condition of any insurance company, and, in order that the public may be fully informed as to the condition of all companies doing business in this State, the result of the official examination of any such company, within thirty days thereafter, in such condensed form as shall show the true condition of the company examined, shall be published by the Insurance Commissioner, at the expense of the company, in one daily newspaper printed and published in the city of Baltimore. And should any insurance company, organized under the laws of this State, refuse to permit its affairs to be examined as herein provided, or refuse free access to its books or papers, or in any manner whatever prevent a thorough examination into its affairs, the said Insurance Commissioner shall proceed against said company in the manner provided in the ninth sub-section of section 122 of this article.

1894, ch. 260.

**123 A.** Associations of individuals, citizens of the United States, whether organized within the State, or elsewhere within the United States, formed upon the plan known as Lloyds, whereby each associate underwriter becomes liable for a proportionate part of the whole amount insured by a policy, may be authorized to transact insurance other than life in this State, upon the following conditions: That any such association organized in this State may be permitted to transact the insurance business upon the same terms and conditions as are by the laws of this State imposed upon an insurance company organized under the laws of this State, and any such association organized in any other of the United States may be permitted to transact its business in this State upon the same terms and conditions as are by the laws of this State imposed upon an insurance company incorporated in the State where such association was organized.

1890, ch. 545. 1894, ch. 260.

122  
520 **126.** No person shall act as agent or solicitor in this State for any insurance company, including individuals, whether resident or non-residents, partnership or joint stock association, except for such companies as may be chartered under the laws of this State, in any manner whatever relating to insurance risks, until all the provisions of this article relating thereto have been complied with, and there has been granted by the Insurance Commissioner a certificate of authority or license, for which said company, individual, resident or non-resident, or association, or their agent, shall pay into the State treasury the sum of three hundred dollars, and shall also pay into the said treasury a tax of one and one-half per centum on the amount of premiums actually collected, received or secured in this State, or from residents thereof, during the last license year, by or for said company, individual, resident or non-resident, partnership or association, and without any deduction for expenses or endowment, which may have been paid, or for any other cause whatever. A report of the premiums so collected as above must be made to the Insurance Commissioner, under oath of the chief accountant officer of such company, or of its general agent of this State, at the time of obtaining the license herein above provided for.

Any company applying for admission into this State; shall pay for license in like proportion for a fractional part of a year, so that all licenses issued shall expire on the thirty-first day of December next ensuing; in addition to the above license and tax, there shall be paid by each insurance company, individual, resident or non-resident, partnership or association, whether of this State, or otherwise doing business in this State, the following fees to defray the expenses of executing the provisions of this article: Upon filing the declaration or certified copy of charter, hereafter admitted to do business in this State, twenty-five dollars; upon filing each annual statement, twenty-five dollars; for each certificate of authority, which each agent or solicitor of every insurance company not organized under the laws of this State and doing herein the business of insurance in any of its branches, is hereby required to obtain, the sum of ten dollars; provided, however, that sub-agents or solicitors who may be appointed by the general agent of any life or accident insurance company in this State shall only be required to pay for these respective certificates of authority the sum of two dollars; for each abstract of their annual statement for publication, two dollars; for every copy of any paper filed in the insurance department, the sum of twenty cents per folio; and for affixing the official seal to such copy and certifying the same, one dollar; for valuing policies of life insurance companies, thirty dollars per million of insurance or any fractional part thereof; for official examination of companies under this article, the charges specified in the 8th paragraph of section 122 of this article; provided, that the filing of the papers with the Insurance Commissioner, as required by this article, shall be in lieu of all papers now required by law to be filed with the Comptroller and clerk of the Superior Court of Baltimore city, and the certificate of authority issued to any solicitor of a foreign insurance company, whether he be a solicitor for a life insurance company or a fire insurance company, or for an insurance company doing the business of insurance in any of its branches, shall have specified upon its face the name of the company for which said solicitor is authorized to act.

126 A+B. - 14004.512 - 126 C, D.E. P & S. 1902 ch. 1.  
1894, ch. 258.

127. Any person, body politic or corporate, partnership or association, who or which shall make, negotiate or solicit within

this State, any contract of insurance, or shall effect an insurance or insurances, or pretend to effect an insurance or insurances, or connect any other person or persons with them in any policy they may at the time hold, or shall do any business of insurance of any kind, or make any guaranty, contract or pledge for the payment of annuities or endowments or money, whether the amount thereof be fixed or contingent, to the families or representatives of any policy or certificate holder, or the like, or shall advertise or circulate any card, circular, notice, or open or keep any office for the transaction of said business, except an insurance broker, duly licensed, without fully complying with all the provisions of this sub-title of this article, shall be subject to the fines and penalties imposed by section 138 of this article; and the term "Insurance Company," as used in this article, shall be taken to embrace every corporation, association, partnership or individual engaging in such business; and every such corporation, association, partnership or individual making any engagement for the payment of any money or other benefits in the event of sickness, accident or death, or other contingency, either to the member, policy or certificate holder, or by whatsoever name the same may be known, or to their families or representatives, or entering into any contract or agreement in which the chances or probabilities of the duration of life, or the rate of mortality or hazard of occupation, are in any way involved as an element or condition of such contract or agreement, shall be deemed and taken to be a life insurance company, within the meaning of this article, and shall be subject to all the requirements of law, applicable to said life insurance company; provided that the said business may be conducted on the mutual or co-operative plan, and that all such organizations shall, prior to beginning business and thereafter, have in force *bona fide* application for membership from at least one hundred persons; and in case said organization issues its certificates for a maximum sum of less than five hundred dollars, these said applications shall at least equal ten thousand dollars of insurance; and if any certificate of insurance on one life be issued in excess of five hundred dollars, then they shall at least equal the amount of insurance now required by law for a mutual company, and in addition thereto, comply with the seven following sections of this article for said mutual or co-operative organiza-

tion ; provided, that nothing herein contained shall be construed to apply to the granting of relief or benefits to members or their families by any societies of a purely and exclusively religious, charitable or benevolent description which are not operated with a view to a profit by their officers or members.

*Metropolitan Life Ins. Co. v. Dempsey*, 72 Md. 293. *Order Int. Frat. All. v. State*, 77 Md. 564. *Barton v. Fraternal Alliance*, 85 Md. 80. *Fraternal Alliance v. State*, 86 Md. 556-8.

1892, ch. 488. 1894, ch. 256.

**128.** Organizations, as described in section 127, issuing certificates for the payment of money or other benefits in the event of sickness, accident or death, or other contingency, either to the member, policy-certificate holder, or by whatsoever name the same may be known, or to their families or representatives, but issuing no certificate for the payment of a greater sum than one thousand dollars upon any one life, may be formed on the mutual co-operative assessment or stock plan, and if on the latter plan, shall have a paid-up capital of at least \$10,000; and such companies, whether formed on the mutual co-operative assessment or stock plan, shall be possessed of and constantly maintain a sum of money not less in amount than ten thousand dollars or in interest or dividend-bearing securities of equal market value, and not in default for interest or dividend, which shall be deposited with the Insurance Commissioner of this State, upon the terms prescribed for the deposits made with the Treasurer of this State, mentioned in section 116 of this article ; provided, that weekly or monthly collections or industrial benefit societies of this State, incorporated before the first day of January, 1892, and which made a report to said Insurance Commissioner for the year 1891, may be only required to deposit with the Insurance Commissioner, upon the terms above in this section mentioned, the sum of five hundred dollars, before the first day of January, 1893, and to deposit as aforesaid an additional sum of \$500, before the first day of January in every year thereafter, until they shall have each deposited, as aforesaid, the full sum of ten thousand dollars ; but should any of said companies, included within the terms of this proviso, fail for thirty days after the first day of any January as aforesaid, to make the deposit of \$500 in this proviso required, such company shall be proceeded against by the

Insurance Commissioner in the manner provided in the ninth paragraph of section 122 of this article.

*Fraternal Alliance v. State*, 86 Md. 556-8.

1898, ch. 468.

**128 A.** Such organizations as are described in section 128 of this article may, upon complying with the requirements contained in said section, make such contracts of insurance as are by said section allowed, both of adults and of infants; provided, however, that in all cases of the insurance of infants, some adult shall become responsible for all obligations of said infant to said organization. *135 A. and 1904 ch. 376.*

1894, ch. 175.

**138.** Any person or persons, or any company or association, violating any of the provisions of sections 121 to 137, inclusive, of this article, shall be subject to a fine not less than one hundred dollars, nor more than one thousand dollars, which fine shall be collected as all other fines imposed by the laws of this State are now collectible; provided, that when, by the laws of any other State, any deposit of money or securities is required, or taxes, fines or penalties or other obligations or prohibitions are imposed upon insurance companies incorporated or organized under the laws of this State, and transacting business in such other State, or upon the agents of such insurance companies, greater than those required or imposed by the use of this State, so long as such laws continue in force, the same taxes, fines, penalties and deposits, obligations and prohibitions, shall be imposed upon all agents or insurance companies of such State, doing business in this State, instead of those prescribed by the laws of this State. Any deposit of money or securities required by this section, shall be made with the treasurer of this State, and it shall be the duty of the treasurer to assign and change, or surrender any such securities so held by him, upon the joint application of the Insurance Commissioner and the company to which they belong. And the treasurer shall make no transfer of such securities except upon such joint application of the Insurance Commissioner and the company by whom they have been deposited, and all such transfers must be countersigned by the Insurance Commissioner.

*Metropolitan Life Ins. Co. v. Dempsey*, 72 Md. 293. *Talbott v. Fidelity and Casualty Co.*, 74 Md. 540.

1898, ch. 308.

**141 A.** Any insurance company organized and incorporated on the mutual plan, under the laws of this State and other States for the purpose or insuring against loss or damage, resulting from burglary or robbery or attempt thereat, and securing against the loss of money as securities in course of transportation when shipped by registered mail, shall be authorized, admitted and licensed to do business in this State, as provided in the two succeeding sections.

Ibid.

**141 B.** Before any such company shall be authorized to transact business in this State, it shall have in force one thousand or more policies, on which the premium shall have been paid in cash or shall have been evidenced by written contracts, on which not less than one-fifth of the amount shall have been paid in cash, and the cash contracts for premiums shall amount in the aggregate to the sum of not less than one hundred thousand dollars. The premium contract shall constitute a part of the assets of the company.

Ibid.

**141 c.** Policy holders of any company organized and admitted to transact business in this State under the two preceding sections shall be held liable to pay the membership fee and premium on their insurance as paid or contracted to be paid at the time the policy is taken out, and shall not be held for any other or further assessments or claims on the part of the company or its policy holders. The membership fee and premium agreed upon may be collected in cash at the time the policy is issued, or be evidenced by a written obligation of the policy holder. Such payment or obligation shall be the limit of the liability of the policy holder to the company for premium on the insurance.

1894, ch. 662.

**142 A.** Whenever the application for a policy of life insurance contains a clause of warranty of the truth of the answers therein contained, no misrepresentation or untrue statement in such application, made in good faith by the applicant, shall effect a forfeiture or be a ground of defense in any suit brought upon any policy

of insurance issued upon the faith of such application, unless such misrepresentation or untrue statement relate to some matter material to the risk. This section shall not apply to change the right of parties to pending actions at law or suits.

1894, ch. 662.

**142 B.** Whenever it shall be made to appear that a wrong age has been given in good faith in any application for a policy of life insurance the company shall not be required to pay the face value of the policy, but such sum as the premium paid would have purchased at the applicant's real age at the time of effecting the insurance.

1892, ch. 537. 1894, ch. 478.

**142 c.** Every insurance company doing business in any of the counties of this State, shall, during the month of April of each and every year, publish, in at least one newspaper published in each of said counties, for three consecutive weeks, an abstract of the annual statement as required by this article; provided that such publication shall not be required of mutual insurance companies formed under any general or special law of this State which annually send a full and detailed statement of the affairs and business of said companies to all of their respective policy holders and to the State Insurance Commissioner.\*

\*Erroneously enacted as 143.

1894, ch. 377.

**143 A.** All licenses for the purpose of conducting the occupation or business of an "Insurance Broker," shall be granted by the Insurance Commissioner of the State of Maryland; and all such licenses granted by said commissioner shall expire on the first day of May thereafter. 1900 ch. 74

State v. Benzinger, 88 Md. 487.

Ibid.

**143 B.** From and after the first day of May, 1894, any person applying for the same and paying to the Insurance Commissioner of the State of Maryland the sum of one hundred dollars, for the use of the State, and an additional sum of one dollar as 1900 ch. 74

a fee to said commissioner for issuing such license, may obtain a license for carrying on the business of an insurance broker; and no license shall be issued to permit more than one person to act thereunder; and if such license shall be granted for a part of a year, a ratable sum shall be charged therefor.

1894, ch. 877.

1900  
% 740 **143 c.** Any person who shall use or exercise the business or occupation of an insurance broker, without having procured a license therefor as required by sections 143 A and 143 B of this article, shall be subject to a penalty of five hundred dollars for each offense, one-half for the use of the State and the other half to the informer.

Ibid.

1900  
% 740 **143 d.** It shall be the duty of the sheriff of the city of Baltimore and of the sheriff of each county throughout the State, to furnish to the Insurance Commissioner, prior to the first day of May in each and every year hereafter, the names of all persons conducting the business of "Insurance Broker" within the respective jurisdictions of each of said sheriffs.

#### **Fraternal Beneficiary Societies, Orders or Associations.**

1894, ch. 295.

**143 e.** A fraternal beneficiary association is hereby declared to be a corporation, society or voluntary association, formed or organized and carried on for the sole benefit of its members and their beneficiaries, and not for profit. Each such association shall have a lodge system, with ritualistic form of work and a representative form of government, and shall make provision only for the payment of benefits in case of sickness, disability or death of its members, subject to their compliance with its constitution and laws. The fund from which the payment of such benefits shall be made, and the fund from which the expenses of such association shall be defrayed, shall be derived from fees, assessments and dues collected from its members. Payments of death benefits may be made only to the widow, children, grandchildren, mother, father, brother, sister, grandparent, aunt, uncle, niece, nephew, first cousin, next of kin who would be distributees of the member's personal estate if he died intestate, to an affianced hus-

band or affianced wife of the member, or to persons dependent upon the member for food, lodging, clothing or education, and to none other; provided, that payment can only be made to a beneficiary by reason of dependency when it is established by documentary proof to the satisfaction of the executive officers of such association that the fact of such dependency as herein provided, existed at the member's death, and no benefit certificate shall issue designating a beneficiary by way of dependency, unless such dependency shall be fully set forth, in writing, and established by documentary proof to the satisfaction of said executive officer, prior to the issuance thereof. A benefit shall not be assignable except to the beneficiaries above specified, and then only by the consent of such association, attested by its seal and the signature of its supreme secretary and supreme executive officer; but the member may surrender his benefit certificate and have a new one issued to any one or more of the beneficiaries, as above specified, in the manner provided by the constitution and laws of such association. Such associations shall be governed by the provisions of section 143 ~~E~~ to section 143 ~~E~~, both inclusive, of this article, and shall be exempt from the provisions of the insurance laws of this State, and no law hereafter passed shall apply to them unless they be expressly designated therein; provided, that any corporations or associations, orders or societies, operating on the lodge system and having ritualistic work in their lodges, councils or societies, whose business it is, in whole or in part, to pay, at the expiration of a fixed period of not less than five years, a sum not exceeding the maximum amount named in their certificates or paying dividend withdraw at surrender, or old age benefits, or paying such certificates at the expiration of life expectancy, may conduct their business in the State under the provisions governing fraternal beneficiary societies, orders or associations, with this exception, that no such corporation or association shall be permitted to begin, do or continue business in this State, until it shall have first deposited with the Insurance Commissioner of this State, the sum of ten thousand dollars in dividend bearing securities, satisfactory to said commissioner, as a guarantee for the payment of certificates issued by it, which deposit shall be constantly maintained at that amount; provided, however, that any such corporation or association organized

under the laws of any other State, which may have, under the laws of the State of which it is a citizen, a deposit of equal value for the purpose herein mentioned, shall, upon proof of the existence of such deposit, not be required to make the same with the Insurance Commissioner of this State.

*Barton v. Fraternal Alliance*, 85 Md. 31. *Inter. Frat. Alliance v. State*, 86 Md. 560.

1896, ch. 331.

**143 E—1.** Any such association coming within the description of a fraternal beneficiary association, as set forth in section 143 E of this article, formed under the provisions of article 23 of the Code of Public General Laws of this State and now doing business in this State, may continue such business, providing that it hereafter comply with the provisions of this section in addition to the existing requirements as set forth in the Code of Public General Laws of this State. In the supreme body of any such association composed of State council, conclave, lodge, chapter or district representatives, who are elected by the members of the association or by their duly accredited delegates; and others to the number of one-fourth or more of the entire membership of such supreme body who are not so elected as representatives. No member is qualified to vote unless he is a State council, conclave, lodge, chapter or district representative, elected by the members or their duly accredited delegates; and in computing the number of representatives to which a State or district is entitled in such supreme body, the number of members that is necessary to secure one representative shall be considered the unit of representation, and the number of times the membership in any State is greater than this unit of representation is the number of representatives which the State is entitled to in the supreme body; and in the absence of any representative the alternate is competent to act in all respects as the representative; a majority of the elected representatives shall constitute a quorum.

*Supreme Lodge, Order Golden Chain v. Simering*, 87 Md.

1894, ch. 295.

**143 F.** Any such association coming within the description of a fraternal beneficiary association, as set forth in section 143 E of

this article, organized under the laws of this or any other State, province or territory, and now doing business in this State, may continue such business, provided that it hereafter comply with the provisions of sections 143 H and 143 I, regulating annual reports, and the designation of the commissioner of insurance as the person upon whom process may be served as hereinafter provided; and shall file with the Commissioner of Insurance a duly certified copy of its charter or act of incorporation, its form of benefit certificate and also a certificate of the proper officer of such State, province or territory, certifying that such association is authorized to conduct its business therein, where the laws of such State, province or territory require an annual report of the operations of such association, or where its laws authorize such certificate, and, thereupon, said commissioner of insurance shall issue a certificate to said association authorizing it to continue to do business in this State, for which he shall receive the sum of twenty-five dollars; but if said association be incorporated under the laws of this State, or if it be a foreign corporation, and by the laws of the State of its incorporation shall not be required to make report, or the certificate referred to in this section shall not be authorized by such law, then the commissioner of insurance shall make examination of its affairs in manner as provided in the next succeeding section, (section 143 G) in like case before issuing such certificate, and until a certificate is refused, after examination had as provided, such association shall continue to do business in the State as heretofore. Immediately upon the passage of this act, the commissioner of insurance shall notify the supreme secretary and the State secretary of all associations described in section 143 E, now doing business in this State, of the provisions of this and the following section, and said association shall file the papers in this section required to be filed within two months after receiving said notice. The expense of the examination required under this section, for associations incorporated under the laws of this State, shall not exceed fifty dollars.

1894, ch. 295.

**143 G.** Any such association coming within the description of a fraternal beneficiary association, as set forth in section 143 E of this article, organized under the laws of any other State, province

or territory, and not now doing business in this State, shall be admitted to do business within this State, when it shall have filed with the commissioner of insurance a duly certified copy of its charter and articles of association, and a copy of its constitution or laws, certified to by its secretary or corresponding officer, together with an appointment of the commissioner of insurance of this State, as a person upon whom process may be served as hereinafter provided ; and shall pay said commissioner of insurance a fee of twenty-five dollars for filing said charter, copy of constitution and laws, and appointment of attorney ; and provided that such association shall be shown by certificate to be authorized to do business in the State, province or territory in which it is incorporated or organized, in case the laws of such State, province or territory shall provide for such authorization ; and in case the laws of such State, province or territory do not provide for any formal authorization to do business on the part of any such association, then such association shall be shown to be conducting its business in accordance with the provisions of section 143  $\pi$  to section 143  $\pi$  (both inclusive) of this article, for which purpose the commissioner of insurance of this State may personally or by some person to be designated by him, examine into the condition, affairs, character and business methods, accounts, books and investments at its home office, which examination shall be at the expense of such association, and shall be made within thirty days after demand therefor ; and the commissioner of insurance shall be paid by said association for such examination the actual traveling expenses and not more than ten dollars per day for each day actually employed in such examination, not to exceed fifty dollars in the aggregate. The commissioner of insurance shall issue a certificate to such association, qualified as required in this section, authorizing it to do business within this State, for which certificate said association shall pay to the said commissioner the fee of twenty-five dollars.

1894, ch. 295.

**143  $\pi$ .** Every such association doing business in this State, shall, on or before the last day of March of each year, make and file with the Insurance Commissioner of this State, a report of its affairs and operations during the year ending on the thirty-first

day of December immediately preceding, which annual report shall be in lieu of all other reports required by any other law; such reports shall be upon appropriate blank forms to be provided by the Insurance Commissioner, and shall be verified under oath by the duly authorized officer of such association, and shall be published, or the substance thereof, in the annual report of the Insurance Commissioner, under a separate part, entitled "Fraternal Beneficiary Associations." The Insurance Commissioner is authorized and empowered at any time to address any additional inquiries to any such association, in relation to its doings or condition, or any other matter connected with its transactions relative to the business contemplated by section 143 E to section 143 R (both inclusive) of this article, and such officers of such associations as the Insurance Commissioner may require, shall promptly reply in writing under oath to all such inquiries if so required; and in case after such inquiry the Insurance Commissioner shall have reason to believe that such association is insolvent or cannot meet its obligations to its beneficiaries or certificate holders, or is conducting its business in an illegal manner, he may, by some person designated by him, examine the accounts, books and investments of said association at its home office, at the expense of said association, not to exceed in the aggregate the sum of fifty dollars; each such association on filing its annual report shall pay to the Insurance Commissioner the sum of twenty-five dollars.

1894, ch. 295.

**143 I.** Each such association now doing or hereinafter admitted to do business within this State, and not having its principal office within this State, and not being organized under the laws of this State, shall appoint, in writing, the Insurance Commissioner, or his successor in office, to be its true and lawful attorney upon whom all lawful process in any action or proceeding against it may be served, and in such writing shall agree that any lawful process against it which is served on said Insurance Commissioner shall be of the same legal force and validity as if served upon the association, and that the authority shall continue in force so long as any liability remains outstanding in this State. Copies of such certificate, certified by said Insurance Commissioner, shall be deemed sufficient evidence thereof, and shall be admitted in

evidence with the same force and effect as the original thereof might be admitted. Service upon such attorney shall be deemed sufficient service upon such association. When legal process against any such association is served upon said Insurance Commissioner, he shall immediately notify the association of such service by letters prepaid and directed to its president, secretary and supreme or chief secretary or corresponding officers; and shall within two days after such service forward in the same manner a copy of the process served on him to such officers. The plaintiff, in such process so served, shall pay to the commissioner of insurance, at the time of such service, a fee of five dollars, which shall be recovered by him as part of the taxable costs, if he prevails in the suit. The Insurance Commissioner shall keep a record of all processes served upon him, which record shall show the day and hour when such service was made.

1894, ch. 295.

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4338? **143 J.** The Insurance Commissioner of this State shall furnish to each of said associations doing business within this State, as provided by section 143 K to section 143 K (both inclusive) of this article, two abstracts of its annual report prepared for publication, for which it shall pay him the sum of four dollars.

Ibid.

**143 K.** Such associations shall not employ paid agents in soliciting or procuring members, except in the organizing or building up of subordinate bodies or granting members inducements to procure new members.

Ibid.

**143 L.** The money or other benefit, charity, relief or aid to be paid, provided or rendered by any association authorized to do business under section 143 K to section 143 K (both inclusive) of this article, shall not be liable to attachment by trustee, garnishee or other process, and shall not be seized, taken, appropriated or applied by any legal or equitable process or by operation of law, to pay any debt or liability of a certificate holder or of any beneficiary named in a certificate, or of any person who may have any right thereunder.

1894, ch. 295.

**143 M.** Any such association organized under the laws of this State may provide for the meetings of its legislative or governing body in any other State, province or territory wherein such association shall have subordinate bodies, and all business transacted at such meetings, shall be valid in all respects, as if such meetings were held within this State; and where the laws of any such association provide for the election of its officers by votes to be cast in its subordinate bodies the votes so cast in its subordinate bodies in any other State, province or territory shall be valid as if cast within this State.

Ibid.

**143 N.** Any person, officer, member or examining physician, who shall knowingly or willfully make any false or fraudulent statement or representation, in or with reference to any application for membership, or for the purpose of obtaining any money or benefit in any association transacting business under section 143 E to 143 R (both inclusive) of this article, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or imprisonment in the city or county jail for not less than thirty days nor more than one year, or both, in the discretion of the court; and any person who shall willfully make a false statement of any material fact or thing in a sworn statement, as to death or disability of a certificate holder in any such association, for the purpose of procuring payment of a benefit named in the certificate of such holder, and any person who shall willfully make any false statement in any verified report or declaration under oath, required or authorized under the provisions of section 143 E to section 143 R (both inclusive) of this article, or either of them, shall be guilty of perjury, and shall be proceeded against and punished as provided by the statutes of this State in relation to the crime of perjury.

Ibid.

**143 O.** Any such association refusing or neglecting to make the report as provided in section 143 H, shall be excluded from doing business within this State in procuring new members. Said Insurance Commissioner must, within sixty days after failure

to make such report, or in case any such association shall exceed its powers, or shall conduct its business fraudulently, or shall fail to comply with any of the provisions of sections 143 E to section 143 R (both inclusive) of this article, immediately commence an action against such association to enjoin the same from carrying on any business. And no injunction against any such association shall be granted by any court, except on application as set forth in this section. No association so enjoined shall have authority to continue business until such report shall be made, or overt act or violation complained of shall have been corrected, nor until the costs of such action be paid by it; provided, the court shall find that such association was in default as charged; whereupon the Insurance Commissioner shall reinstate such association, and not until then shall such association be allowed to again do business in this State. Any officer, agent or person acting for any association or subordinate body thereof, within this State, in procuring new members, while such association shall be so enjoined or prohibited from doing business pursuant to this section, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than two hundred dollars, or by imprisonment in the city or county jail not less than thirty days nor more than one year, or by both such fine and imprisonment, in the discretion of the court.

*Barton v. Frat. Alliance*, 85 Md. 81-2. *Supreme Lodge Golden Chain v. Simering*, 87 Md. —.

1894, ch. 295.

**143 P.** Any person who shall act within this State as an officer, agent or otherwise in procuring new members for any association which shall have failed, neglected or refused to comply with, or shall have violated any of the provisions of section 143 E to section 143 R (both inclusive) of this article, or shall have failed or neglected to comply with the provisions therein, preliminary to transacting business as provided for by said sections, or either of them, shall be subject to the penalty provided in the last preceding section for the misdemeanor therein specified.

*Ibid.*

**143 Q.** Fraternal beneficiary societies, orders or associations as described in section 143 E, may be incorporated in the manner

provided for the formation of corporations under this article; provided, that no such society, order or association incorporated in another State, province or territory, nor any council, or branch, or component part thereof, can be incorporated under the laws of this State.

1894, ch. 295.

**143 E.** Any association entitled to do business in this State under the provisions of section 143 E to section 143 E (both inclusive) of this article, which shall so conduct its affairs or shall in any manner change its charter, constitution or laws, so that it shall not answer to the description of a fraternal beneficiary association as set forth in section 143 E, shall thereupon cease to be entitled to the privilege of said section.

Ibid.

**143 s.** The Insurance Commissioner of this State shall notify the supreme secretary of each of the said associations now doing business in this State of the passage of this act, and enclose a blank for the report of its operations for the year ending December 31, 1893; and every association receiving such notice and blank shall file such report in the manner provided in section 143 H, not later than three months from the date of the receipt of such notice and blank, under the like penalties as provided in section 143 F for not filing a report.

Ibid.

**143 T.** Nothing herein contained shall apply to lodges or orders of a purely religious, charitable or benevolent description, paying exclusively sick, funeral or death benefits to members, their family or dependents, and not operated with a view to profit, nor shall any such organization be required to make any report under this or any other sections of the insurance laws; and provided further, that no society, lodge or body of any secret or fraternal society, or association of employes of any particular trade, firm or corporation organized in this State, paying only sick benefits not exceeding two hundred and fifty dollars in the aggregate to any one person in any one year, or a funeral benefit to those dependent on a member not exceeding three hundred and fifty dollars, shall be required to make any report thereof

under this article or under any other article of the insurance laws ; provided further, that certificates issued by the Improved and Independent Orders of B'nai B'rith may be made payable to charitable institutions as now provided in its by-laws.

### **Railroad Companies.**

1896, ch. 151.

**167.** The said president and directors, or their agent or agents, authorized by them, may agree with the owner or owners of any land, earth, gravel, stone, timber, streams or materials, or any improvements which may be wanted for the proper construction or repair of any of said roads, or any of their works, for the purchase and use and occupation or diversion of the same ; and if they cannot agree, or if the owner or owners or any of them be an infant, *feme covert*, who is not possessed of the property to her sole and separate use, or authorized to contract in reference to the same, *non compos mentis*, or out of the county where such property wanted may lie, when such property may be wanted, or for any other cause be legally incapable of contracting, application may be made by the said company to any justice of the peace of such county, who shall thereupon issue his warrant, under his hand and seal, to the sheriff of the county, requiring him to summon a jury of twenty of the inhabitants of said county above the age of twenty-one years, and qualified to act as jurors under the laws of this State, not related to the parties, nor in anywise interested, to meet on the lands or near the materials or other property wanted on a day named in said warrant, not less than ten nor more than twenty days after issuing the same ; and if at said time and place any of the said jurors summoned do not attend, the sheriff shall immediately summon as many persons similarly qualified as together with those in attendance shall make up twenty, and from the panel, each party, his, her, its or their agent or attorney, or if either party be not present in person or by agent, or being present in person or agent refuse to strike, the sheriff, for him, her, it or them, may strike off four persons, and the remaining twelve shall act as the jury of the inquest of damages ; and to each, before he acts as such juror, the sheriff shall administer an oath or affirmation that he will justly and impartially value the damages which the owner

or owners will sustain by the use and occupation of the property required by the said company, and the said jury shall reduce their inquisition to writing and sign and seal the same; and it shall then be returned by the sheriff to the clerk of the circuit court for his county, and be filed by said clerk in his office, and shall be confirmed by said court any time after the expiration of thirty days from the date of such filing, if no sufficient cause to the contrary be shown, and when confirmed shall be recorded by said clerk at the expense of the company; but if the same be set aside the said court shall direct another inquisition to be taken, in the manner above described; and in case the second or any other inquisition which is confirmed by the court shall not award to the land owner a larger amount of damages than was awarded by the first inquisition, the court may, in its discretion, order the costs of said second or other inquisition to be paid by the owner or owners of said land or materials condemned; and the inquisition shall, in all cases, describe the property taken or the bounds of the land condemned, and the quality or duration of the interest in the same, valued for the company, and such valuation, when paid or tendered to the owner or owners of the property, his, her or their legal representatives, shall entitle the said company to the estate and interest in the same thus valued as if it had been legally conveyed by the owner or owners of the same; and the valuation, if not received when tendered, may at any time thereafter be received without costs from said company by the owner or owners, his, her or their legal representatives; and the sheriff shall keep the said jury together for a reasonable time, until they shall agree upon and sign and seal the said inquisition; and in case it shall so happen that the jury can not agree after being kept together as aforesaid, the sheriff may, in his discretion, discharge the said jury, and without any further warrant from a justice of the peace shall, within five days thereafter, summon another jury of twenty inhabitants, as aforesaid, not upon the former jury; and the same proceedings shall be had in all respects as is hereinbefore provided; and in case of a second or other disagreement of the jury the same proceedings shall be had until a verdict or inquisition shall be made and returned as aforesaid.

Balto. Belt R. R. Co. v. Baltzell, 75 Md. 98, 108 and 106. Turnpike Road v. R. R. Co., 87 Md. 257. Lake Roland Co. v. Webster, 81 Md. 536.

1892, ch. 657.

**167 A.** The notice of the time and place of the meeting of the jury of inquisition, given by the company to the owner or owners, shall be served by delivering a copy of the same to every such owner, if such owner can be found within this State; and in case the owner be an infant or *non compos mentis*, in addition to the service on such owner, a copy of the notice shall be left with the parent, or guardian of the infant, if there be one within this State, and with the committee or other person having the care of the person or estate of the person alleged to be *non compos mentis*, if any such committee or other person be found within this State. In case any owner or person on whom such notice is above required to be served, be not found within this State, then such notice may be served either by delivering a copy thereof to such owner, or person to be served wherever found, or by the publication of the same at least once a week for two successive weeks in some newspaper published in the county where the lands or property sought to be condemned may be, or if such lands or property lie within the city of Baltimore, by publication of such notice at least twice a week for two successive weeks in some daily newspaper published therein. Any court to which the inquisition of the jury may be returned, for confirmation, may, in its discretion, by order, either require the legal guardian or the committee of the infant, or non-sane owner (if there be such guardian or committee within the jurisdiction of the court) to appear, show cause against such confirmation or otherwise protect the interests of such infant or non sane owner, or appoint a guardian *ad litem* to represent such infant or non-sane owner, and protect the interests of such owner.

1896, ch. 151.

**169 A.** Sections 167, 168 and 169, shall apply to all roads operated by electricity, cable or other improved motor power, and whether incorporated under the provisions of this article or by a special act, and whether the property proposed to be condemned is situated in one of the counties of this State, or in the belt or annexed portions of Baltimore city, where streets and alleys have not been opened and occupied as city streets.

O'Brien v. Balto. Belt R. R. Co., 74 Md. 377. McColgan v. Balto. Belt R. R. Co., 86 Md. 826.

1890, ch. 553.

**178.** It shall be lawful for any railroad company heretofore or hereafter incorporated under the laws of this State to consolidate with any other railroad company incorporated under the laws of this or any other State, or of the United States, whose railroad within or without this State shall connect with or form a continuous line with the railroad of the company so consolidating upon such terms as may be agreed upon; provided, however, that the agreement for such consolidation shall be submitted to the stockholders of the railroad company incorporated under the laws of this State at a special meeting called for considering the same, and shall be sanctioned by the holders of a majority of the stock of such company, and if sanctioned at such meeting by such holders of a majority of the stock, shall be filed in the office of the Secretary of State of this State; and provided further, that such agreement shall contain no provisions in conflict with the provisions of this article or which shall exempt such railroad so far as it lies in this State from the operation of the laws of this State, and nothing in this section shall be construed to authorize the consolidation of any railroad companies owning or operating, competing or parallel roads, or parallel lines of railroad which is hereby declared to be unlawful and expressly prohibited without the special consent of the general assembly being first obtained therefor.

State use of *Dodson v. Balto. & Lehigh R. R. Co.*, 77 Md. 491.

1896, ch. 296.

**180 A.** Whenever freight forwarded upon any railroad to any point in this State shall consist of live stock, or shall be of such a perishable nature, or so damaged, or of such other character as to make it impracticable for it to remain in the possession of the company owning or operating said railroad, for the space of three months after its arrival at the point to which it shall have been directed, and the owner or person to whom the same is consigned cannot be found after diligent inquiry, or being found and notified of the arrival of such freight, shall refuse or neglect to remove the same, and pay the legal charges thereon, for the space of twenty-four hours, then, upon application by said railroad company, verified by affidavit, to any judge of the circuit

court for the county in which the freight may be, or to any judge of the Supreme Bench of Baltimore city, assigned to one of the common law courts of said city, if said freight be in said city, setting forth the reasons for which said application is made, it shall be lawful for said judge to pass an order for the sale of said freight whenever said judge may deem such sale expedient, on such terms and notice as the order may prescribe; and the proceeds of said sale, if there be any remaining over, after payment of the expenses incident thereto and legal charges, including cost of the keep of such live stock or cost of storage on said freight, shall be paid to the owner or consignee of said freight on demand.

1890, ch. 443.

**204 A.** It shall not be lawful for any railroad company doing business in this State to withhold any part of the wages of its employes for the benefit of any relief associations or the members thereof. Any railroad company violating the provisions of this act shall upon conviction be fined not less than fifty (\$50) dollars, nor more than five hundred (\$500) dollars for each and every offense.

*204 A. 1904 ch. 626 (must undergo hearing)*

1894, ch. 269.

**204 B.** The Board of Public Works may, when it is shown to their satisfaction by any railroad company that it is impracticable for such railroad company to equip all of its cars with heating apparatus other than stoves, within the time required by law, prescribe what number of cars of such railroad company shall be equipped with improved heating apparatus by such company in each year.

#### Religious Corporations.

1892, ch. 664.

**211.** The said plan, agreement or regulation shall be entered in the book hereinafter required by section 214, to be kept by every such corporation, and the same shall be acknowledged by the trustees, or a majority of them, before a justice of the peace, a notary public, or a judge of the Circuit Court in the counties, or a judge of the Supreme Bench of Baltimore City; and such justice, notary, or judge shall append to said instrument a certi-

ficate of such acknowledgment, and in all cases where through inadvertence or mistake, such plan, agreement, or regulation has been heretofore acknowledged before one justice of the peace instead of two, such acknowledgment shall be and is hereby made, to all intents and purposes, good and sufficient for the incorporation of the church, society or congregation named therein.

1892, ch. 702.

**217.** Nothing in this article shall prevent the Protestant Episcopal Church from incorporating the vestries in the several parishes according to the usages of the said church, under the said act of seventeen hundred and ninety-eight, chapter twenty-four, entitled "An act for the establishment of vestries for each parish in this State," as amended prior to the adoption of the Code of eighteen hundred and sixty; and the said act as so amended is hereby confirmed and declared, as the law of this State, to be binding and available as if the same and every provision thereof was herein formally and specially recited and re-enacted; provided, that all parishes heretofore constituted under the thirty-third section of said act may, and all parishes hereafter constituted under that said section of said act shall, execute, acknowledge and record a certificate of their articles of association, as such execution, acknowledgment and record is now required under article twenty-three of the Code of Public General Laws, entitled "Corporations" sub title "Religious Corporations." And all parishes heretofore constituted in pursuance of the provisions of said act, and all proceedings therein held in pursuance of or by virtue of the powers and authority contained in said act, shall be and the same are fully confirmed and declared to be good and available both in law and in equity. 1900  
Ch. 451

Bartlett v. Hipkins, 76 Md. 35.

1892, ch. 614.

**217 A.** In every congregation of the denomination of Christians known as the "Roman Catholic Church," the ordinary of the diocese and the pastor of the said congregation for the time being, according to the practice and discipline of the said church, the other persons to be annually designated by said ordinary, and two other persons to be annually elected by the male pewholders

of the said congregation from among their number, (said annual election and appointment to be made on the Sunday next succeeding the first day of January in each and every year, and the incumbents to hold office until their respective successors shall be so as aforesaid elected or appointed, as the case may be,) shall be constituted a body politic and corporate, under such title as may be assumed by the said corporation, and recorded in a certificate under the hands and seals of the corporators first chosen or otherwise entitled to office under the terms of this act, the said certificate to be acknowledged before a justice of the peace of the county or city of Baltimore, as the case may be, where the said congregation shall have or possess a place of worship, and recorded among the corporation records of the said county or city.

1892, ch. 614.

**217 B.** Every such corporation shall have, in addition to the powers conferred by sections 50 to 55 of this article, inclusive, in so far as the said powers may be consistent with its general character, the further power to appoint the hour and place of the meetings at which the two of its members so as aforesaid to be be annually elected shall be chosen, and the manner in which such election shall be held, and shall provide a good and sufficient record book, wherein shall be registered from time to time all of its proceedings, and which shall at all times be open to inspection by any member of the said congregation, or any ecclesiastical officer of the said denomination of Christians, having, according to the discipline and practice thereof, authority over the said congregation, or the right to be informed concerning its management and interests of the said corporation, the pastor of the congregation for the time being, (if any there be,) shall always be president; it shall have power to frame such rules and ordinances for the orderly conduct of divine worship and the advancement of the interests of the congregation, as a majority of the corporation may from time to time deem necessary; provided that the same shall not conflict with the constitution or laws of the United States or of this State, or with the discipline and practice of the denomination aforesaid.

1892, ch. 614.

**217 c.** If at any time one of the corporators so as aforesaid to be annually elected, shall die, resign or become disqualified by ceasing to be a pewholder of the said church, it shall be competent for the remaining members of the said corporation to appoint a successor to the one so dying, resigning or becoming disqualified, which successor shall hold office until some one to fill his place shall be chosen at the next annual meeting of the said congregation; and if at any time the member so as aforesaid, to be annually appointed by the ordinary of the diocese shall die or resign, it shall be competent for the said ordinary to fill the said vacancy in the corporation aforesaid, by appointing another person to serve for the remainder of the term of the one so dying or resigning, and until a successor thereto shall be duly chosen according to the terms of this article; and if at any time the corporators for the time being shall think it wise to change the name of the said corporation, they may do the same by a certificate under their hands and seals, to be acknowledged and recorded as provided for in the case of the original certificate mentioned in section 217 A, of this article.

Ibid.

**217 d.** Any person or persons, individual or corporation, holding lands or goods and chattels, or any interest therein, in trust for any particular church or congregation, church society congregation, of the said denomination, wherein a corporation shall be formed in accordance with the terms of this section, shall convey the same to the said corporation as soon as possible after its formation under the terms of the three preceding sections; and any gift, devise or bequest heretofore or hereafter made to any such congregation, or to any person or persons, individual or corporation in trust therefor, shall enure to the benefit of the corporation to be formed in such congregation (if any such corporation shall be so formed according to the terms of said sections,) whether the said corporation be or be not accurately described in such gift, devise or bequest; provided that the intention of the donor or testator be clear that the same should enure to the benefit of the said congregation.

**Telegraph and Telephone Companies.**

1892, ch. 387.

**232 A.** No individual company or corporation, now or hereafter owning, controlling, managing or operating any telephone line or lines within the limits of any city, town or village in the State of Maryland, shall charge, collect or receive, as rental for the use at any and all hours of the day and night, of such telephone and lines connecting with a central exchange, or point of communication through which conversation may be held, over all other lines connecting with such exchange, or point of communication, in such city or town, any sum exceeding six dollars and fifty cents per month, when one telephone only is rented by one individual, company or corporation, located within a radius of two miles from the central exchange, and one dollar additional per month for every additional mile distant from said exchange; where two or more telephones are rented by the same individual, company or corporation, located within a radius of two miles from the central exchange, the rental per month for each telephone so rented, shall not exceed five dollars and fifty cents per month, and one dollar per month for every additional mile distant from said exchange; provided, that the individual, company or corporation desiring to use such telephone and lines shall agree to contract for the use of such telephone and lines for a period of not less than six months.

1892, ch. 387. 1896, ch. 139.

**232 B.** Where any two cities, towns or villages in the State of Maryland are connected by wire, operated, managed, controlled or owned by any individual, company or corporation, the price for the use of any telephone for the purpose of conversation between such cities, towns or villages, shall, for each five minutes or fraction of five minutes of such use, not exceed the amount hereby fixed, that is to say: where the distance does not exceed ten miles, fifteen cents; where the distance is more than ten miles and not more than thirty miles, twenty-five cents; where the distance is more than thirty miles and not more than fifty miles, one cent a mile; where the distance is more than fifty miles, fifty cents; and one-half a cent for each mile in excess of fifty miles.

1892, ch. 387.

**232 c.** The word "telephone" wherever used in sections 232 A to 232 G, shall be construed to include, and consist of a receiver, a transmitter, a magnetto or call-bell, or cell battery, a back-board, a battery box and all necessary appliances now and hereafter in use for and constituting a telephone equipment as now or heretofore rented by telephone companies to their patrons and subscribers.

Ibid.

**232 d.** Every telephone company with wires wholly or partly within this State and engaged in a general telephone business, shall, within the local limits of such telephone company's business, supply all applicants for telephone connections and facilities with such connections and facilities, without discrimination or partiality; provided such applicant comply or offer to comply with all reasonable regulations of the company; and no such company shall impose any conditions or restrictions upon any such applicant that are not imposed impartially upon all persons or companies in like situation, nor shall such companies discriminate against any individual or company engaged in any lawful business, or between individuals or companies engaged in the same business, by requiring, as a condition for furnishing such facilities that they shall not be used in the business of the applicant, or otherwise, for any lawful purpose.

Ibid.

**232 e.** Any owner, operator, agent or other person who shall collect or receive for the rental or use of any such telephone and line, any sum in excess of the ratio fixed by sections 232 A and 232 B, shall upon conviction be fined not less than one hundred dollars for each offense.

1894, ch. 207.

**232 f.** But any person, firm or corporation may contract in writing or partly in print and partly in writing, and not otherwise, with any individual, company or corporation now or hereafter owning, controlling, managing or operating any telephone line or lines within the limits of this State, for such special form, description and amount of telephone equipment

and service, expressed in such contract, as such person, firm or corporation may need, at such rates, and upon such terms and conditions as may be agreed upon between the parties to such contract, and be expressed therein, but shall not otherwise be entitled thereto; and every form of such special contract, made for any year, shall constitute and be a form of contract for like special telephone equipment and service, into which every other person, firm or corporation in like situation with the person, firm or corporation so contracting and desiring a like special form, description and amount of telephone equipment and service, shall have a right to enter, in such year, with the party so contracting for such telephone equipment and service; the special contract mentioned in this section shall be entered into before such equipment and service are supplied; provided, however, that nothing in this section shall be so construed as to impair the obligation of the individual, company or corporation owning, controlling, managing or operating a telephone line or telephone lines, within the limits of this State, to furnish, in accordance with the requirements of sections 232 A, 232 B, 232 C, 232 D and 232 E, and at the rates of charge mentioned in said sections 232 A and 232 B, telephone equipment and service of the kind and description which is now furnished by the Chesapeake and Potomac Telephone Company of Baltimore city, at the rate of charge mentioned in said sections 232 A and 232 B; and the said company, as a condition precedent to the exercise of any of the powers conferred by this section, shall forthwith file in the office of the clerk of the Court of Appeals of Maryland, to be by said clerk annexed to the original section filed in his office, a full and adequate description in detail, and certified by the Governor of this State to be a full and adequate description of the equipment now used by said company in furnishing the service mentioned in this proviso, which description or a copy thereof duly certified by said clerk shall be taken as a true description of said equipment in all proceedings, whether civil or criminal, which may hereafter be taken to enforce the requirements of this proviso or of the sections of this article therein mentioned, and the said equipment shall always include and secure for each subscriber a separate wire; and if any individual, company or corporation owning, controlling, managing or operating a telephone line or

lines within the limits of the State, shall, at any time hereafter neglect or refuse to furnish the equipment and service mentioned in this proviso to any person or corporation entitled thereto under the terms of the sections of this article enumerated in said proviso, the said individual, company or corporation so refusing or neglecting, and the officers or agents of any such company or corporation, and the agents of every such individual, shall be liable to indictment therefor, and upon conviction thereof shall be fined for each offence not less than fifty dollars, nor more than two hundred dollars, in the discretion of the court; and provided also that any person entitled to telephone service under the provisions of said sections 232 A to 232 F, (both inclusive,) but no other person, shall have the right and privilege to use, without extra charge, any other telephone equipment, with the consent of the subscriber to the last mentioned equipment, and any individual, company or corporation, or the officers and agents of any such company or corporation, and the agents of every such individual refusing or neglecting to allow such right or privilege, shall be liable to indictment, and upon conviction thereof shall be fined for each offence not less than fifty dollars nor more than two hundred dollars, in the discretion of the court.

1894, ch. 207.

**232 G.** There shall be appointed by the Governor three persons, citizens of the State of Maryland, who shall serve without pay, and shall be styled "Telephone Commissioners," who shall have the powers and discharge the duties hereinafter mentioned, that is to say: they shall, by a full and thorough investigation, ascertain the amount expended by the Chesapeake and Potomac Telephone Company, or the Chesapeake and Potomac Telephone Company of Baltimore City in the acquisition of the rights of way and other easements, now held by either of said companies in the State of Maryland, and the amount expended in the construction of plant, equipment and works now owned by them or either of them, and used in connection with the telephone business in said State of Maryland; and also the cost of furnishing in the city of Baltimore and other places in said State said telephone service, both that known as the ordinary or

grounded service, and also that known as the metallic circuit service; they shall also procure all such other information which in their judgment shall be necessary and proper to determine what ought to be fair and sufficient rates for furnishing such telephone service in the city of Baltimore and other places in the State of Maryland; for the purpose of discharging the duties hereby imposed on them, the commissioners above named are hereby authorized to make such examination of books, papers and accounts of the companies above named, as shall be necessary for that purpose, and also to summon before them and examine under oath, to be by them administered, all the officers and agents of said companies and such other persons whom they may deem necessary to examine for the purposes above mentioned, which said summons the sheriffs of Baltimore city and the several counties of Maryland are hereby directed to serve. The said commissioners are also hereby authorized to employ an expert accountant to assist them in the discharge of their duties, the salary to be paid the said accountant, and also the necessary expenses of the said commissioners in the discharge of their duties, shall be paid by the said Chesapeake and Potomac Telephone Company of Baltimore City; the exercise of the privileges granted by section 232 r of this article, shall be considered as an assent by the companies above named to the examination authorized to be made by this section, of the books, papers and accounts of said companies so far as necessary for the purposes above mentioned, and of their officers and agents; it is hereby made the duty of said commissioners to report to the next General Assembly of this State, the result of the investigation and examination by this section directed to be made, together with any recommendations they think proper to make upon the subject matter thereof.

**Turnpike, Plank Road and Passenger Railway Companies.**  
1892, ch. 188.

**236 A.** All turnpike or plank road companies in this State are hereby authorized and empowered to charge and collect such rates of toll for traction engines, steam engines and all vehicles attached thereto, which shall be hauled or propelled upon the roads and through the toll-gates of such companies, as shall be fixed by

said companies in accordance with the provisions of sub-title turnpike, plank road and passenger railway companies, and this section shall apply as well to all turnpike and plank road companies incorporated under special acts of the General Assembly of Maryland, as to those incorporated under the provisions of this article.

1894, ch. 607.

**242.** It shall be the duty of all companies, which may have been or may hereafter be incorporated under any law or laws of this State, to make any turnpike, plank or other toll road or roads, to keep and maintain the same in such good order and repair and of such width as required by the terms of the law under or by which incorporated ; and if any such company shall fail to keep its road in such good order and repair, or of the width required by the terms of its charter, or of the provisions of this article, if incorporated hereunder, for a space of fifteen days, any person or persons may file a petition in the circuit court for the county and the Superior Court of Baltimore city, in which the part of such road not in good condition and repair, or not of the width or of the material required by its charter, or by the laws by which it has been incorporated, lies, alleging the failure of such company to keep its road-bed in good order and repair or of such required width ; whereupon any judge of the court in which such petition may be filed, may and shall pass an order directing the sheriff to summon a jury of six persons, who shall be freeholders, to the clerk's office of the circuit court for the county, or to the clerk's office of the Superior Court of Baltimore city, not interested in such roads, unless it be as users thereof, to meet on the part or parts of the roads mentioned in such petition ; and the said jurors being first sworn by such sheriff, true inquiry to make as to the condition of the road complained of, shall view the part or parts of the roads complained of, and determine upon such view and the evidence of such witnesses as may be produced by the petitioners or the company as to the condition of such road, and the time such condition may have continued ; and an inquisition in writing shall be signed and sealed by such jurors, and returned by the sheriff to the clerk's office of the circuit court for the county, or to the clerk's

office of the Superior Court of Baltimore city; and if said inquisition shall find that said road is not in good order and repair, or not of the width required by its charter, any judge of said court may, within ten days after the return thereof, confirm the same, and order that tolls shall not be charged by such company at the gates next to on either side of the place or places in said road so out of order, repair or of such insufficient width, until said road shall be put in good order and repair and properly widened, and until the further order of such court. The petitioners or the company may, before the confirmation of such inquisition, demand a trial by a jury in court, whether said road is in good order and repair or of the proper width, or may move to quash the proceedings for matter of law, and the court may adjudge, on the finding of the jury or otherwise, as may be just, in accordance with the principles of law, and may give judgment for costs against the county or city, or against the corporation, or against both, in its discretion; provided, however, that confirmation of the inquisition shall not be delayed more than fifteen days by the filing of any motion to quash or for a jury trial by the corporation, unless such corporation shall give a bond, to be approved by the court, conditioned for the refunding of all tolls collected after the expiration of ten days from the return of the inquisition, if the same be affirmed after such motion or trial by jury.

Turnpike Co. v. Starzman, 86 Md. 369.

#### **Trust, Surety and Fidelity Companies.**

1898, ch. 302.

**244 A.** Whenever any bond, undertaking, recognizance or other obligation is by law, or the charter, ordinances, rules or regulations of any municipality, board, body, organization, court, judge or public officer, required or permitted to be made, given, tendered or filed with surety or sureties, and whenever the performance of any act, duty or obligation, or the refraining from any act, is required or permitted to be guaranteed, such bond, undertaking, obligation, recognizance or guaranty may be executed by a surety company qualified as hereinafter provided; and such execution by such company of such bond, undertaking, obligation, recognizance or guaranty, shall be in all respects a full and complete compliance with every requirement of every law,

charter, ordinance, rule or regulation that such bond, undertaking, obligation, recognizance or guaranty shall be executed by one surety or by one or more sureties, or that such sureties shall be residents or householders or freeholders, or either or both, or possess any other qualification; and all courts, judges, heads of departments, boards, bodies, municipalities and public officers of every character, shall accept and treat such bond, undertaking, obligation, recognizance or guaranty when so executed by such company as conforming to and fully and completely complying with every such requirement of every such law, charter, ordinance, rule or regulation.

1898, ch. 302.

**244 B.** Such company or companies to be so qualified as to act as such surety or guarantor, must comply with the requirements of every law of this State applicable to such company or companies doing business therein, must be authorized under the laws of the State where incorporated and under its charter, to become surety upon such bond, undertaking, obligation, recognizance or guaranty; must have a fully paid up and safely invested and unimpaired capital of at least \$250,000; must have good available assets exceeding liabilities, which liabilities for the purpose of this and the preceding section shall be taken to be its outstanding debts and a premium reserve at the rate of fifty per centum of the current annual premiums on each outstanding bond, undertaking, recognizance, and obligation of like character in force; must file with the State Tax Commissioner a certified copy of its certificate of incorporation a written application to be authorized to do business under the preceding section, and also with such application and in each year thereafter, a statement verified under oath made up to December 31st preceding, stating the amount of its paid-up cash capital, particularizing each item of investment, the amount of premiums upon existing bonds, undertakings, recognizances and obligations of like character in force upon which it is surety, the amount of liability for unearned portion thereof estimated at the rate of fifty per centum of the current annual premiums on each such bond, undertaking, recognizances and obligations in force, stating also the amount of its outstanding obligations of all kinds, and

such further facts as may be by the laws of this State required of such company in transacting business therein; and if such company be organized under the laws of any other State than this State, it must have on deposit with a State officer of one of the States of the United States, not less than \$100,000 in good securities, deposited with and held by such officer for the benefit of the holders of its obligations; must also appoint an attorney in this State upon whom process of law can be served, which appointment shall continue until revoked, or another attorney substituted, and must file with the State Tax Commissioner evidence of such appointment, which shall state the residence and office of such attorney.

1898, ch. 802.

**244 c.** The State Tax Commissioner upon due proof by any such company of its possessing the qualification in section 244 b specified, shall issue to such company a certificate setting forth that such company has qualified and is authorized for the ensuing year to do business under section 244 a, which said certificate shall be evidence of such qualification of such company and of its authorization to become and be accepted as sole surety on all bonds, undertakings, recognizances, obligations required or permitted by law, or in the charter, ordinances, rules or regulations of any municipality, board, body, organization or public officer, and the solvency and credit of such company for all purposes and its sufficiency as such surety.

#### **Water Companies.**

1898, ch. 199.

**246.** Any corporation which may be formed under the provisions of this article, for the purpose of supplying water, shall have power to acquire, possess and use all such land, water rights and other property, and shall have all such power as may be necessary for the purposes for which said corporation was formed. And shall also have power to lay pipes and construct all such other works as shall be necessary or suitable to carry out the purposes of said corporation; provided, the assent of the municipal authorities of any incorporated town or city in which the operations of said corporation may be carried on shall be first had and obtained, or if the operations of any such company shall

be carried on in any county outside of an incorporated town or city, the assent of the County Commissioners of said county shall be first had and obtained ; and all such works and the exercise of the powers hereby granted, shall, at all times, be subject to such reasonable regulations as said municipal authorities or said County Commissioners, as the case may be, may from time to time prescribe ; but nothing in this section shall authorize the incorporation of water companies in the city of Baltimore.

*Moore v. Belair Water and Light Co.*, 79 Md. 893.

### Dissolution of Corporations.

1894, ch. 263.

**264.** Whenever any corporation in this State shall have been determined by legal proceedings to be insolvent, or shall be proven to be insolvent by proof offered under any bill filed under the provisions of this section, it shall be deemed to have surrendered its corporate rights, privileges and franchises, and may be adjudged to be dissolved after the hearing, according to the practice of courts of equity in this State, upon a bill filed for that purpose in the Circuit Court of Baltimore city or in the Circuit Court No. 2 of Baltimore City, if the principal office of the corporation is located therein, or in the circuit court for any county, if the principal office or place of business of said corporation be therein located, or if the certificate of its incorporation be recorded therein ; and such bill may be filed by any stockholder, shareholder or creditor of said corporation, or by the Attorney-General of the State of Maryland, or by the State's attorney of the city or county in which the principal office of said corporation is located. But this section shall not apply to any railroad company chartered by this State.

*Davis v. Gemmell*, 78 Md. 585. *Mason v. Supreme Court Equitable League*, 77 Md. 44. *DuPuy v. Terminal Co.*, 82 Md. 486-7. *Steinberger v. Savings Asso.*, 84 Md. 685. *Barton v. Fraternal Alliance*, 85 Md. 83. *for Clark v. w. Cotton 91 Md. 195.*

1896, ch. 349.

**264 A.** Whenever any corporation mentioned in section 264 of this article other than railroad companies chartered by this State, shall have been determined or proven to be insolvent, as in said section 264 stated, all payments, conveyances and assignments of the money, property, debts or claims of said corporation and all preferences, howsoever made by it or by any of its officers on its

behalf which would be void or fraudulent if the same had been made by a natural person who had become an insolvent under article 47 of the Code of Public General Laws, shall, to the like extent and with like remedies, be fraudulent and void when made by such corporation or any of its officers on its behalf, and whenever any such corporation shall have been adjudged to be dissolved as provided in the next preceding section of this article, all of its property and assets of every description shall be distributed to the creditors of said corporation in the same manner that the property and assets of an insolvent debtor are distributed under the provisions of article 47 of the Code of Public General Laws, but no discharge shall be granted to the said corporation, and the receiver of such corporation shall have the same power and authority to maintain suits and proceedings, to set aside preferences and void or fraudulent transfers and payments, conveyances and assignments by said corporation or by any of its officers on its behalf in the same manner and to the same extent as the permanent trustee of an insolvent debtor has, under article 47 of the Code of Public General Laws, in reference to preferences and void or fraudulent transfers, payments, conveyances and assignments, when made by a natural person who has become an insolvent debtor, and the date of the filing of the bill against such corporation, upon which it may be dissolved, shall be taken and treated for the purpose of determining the validity of preferences and for all other purposes as the date of the filing of the petition in insolvency by or against a natural person.

1892, ch. 399.

**276 A.** No corporation, made taxable by any law of this State, shall hereafter be dissolved under the decree of any court of this State until all taxes due the State have been fully paid or adjusted and the certificate of the Comptroller of the Treasury to this effect filed in the proper court with the proceedings of dissolution.

**Process.**

1892, ch. 601.

**296.** Process issued by any court or justice of the peace of this State against any corporation incorporated under its laws may be served on any president, director, manager, ticket agent or person selling tickets for passengers of any railroad company

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or other officer of such corporation, and if neither the president nor any of the directors, managers, ticket agents or other officers of such corporation reside in this State such process may be served anywhere within this State on any agent, attorney or other person in the service of such corporation, provided that in every case the officer serving process shall leave a copy of such process with the person upon whom the same is served. And whenever any trust or guarantee company which shall be authorized and empowered under the laws of this State to insure the fidelity of persons holding places of trust or responsibility in, to or under any State, county, city corporation, company, person or persons whatsoever, or to become security for the faithful performance of any trust, office, duty, contract or agreement, and to supersede any judgments, or to go upon any appeal or other bond, then any such trust or guarantee company shall be liable to be sued in any of the counties of this State or in the city of Baltimore wherever any such bond shall be given or liability incurred by such trust or guarantee company, and process shall be served upon any such trust or guarantee company, as is hereinbefore provided for by this section, and such process shall be issued to the sheriff of any county or the city of Baltimore, and shall be made returnable to the clerk of the court of the county or city of Baltimore from which same issued ; and with the exceptions herein provided for as to trust and guarantee companies, all suits which shall hereafter be brought against any corporation which has been or may be incorporated under the general incorporation laws of this State, shall be brought in the counties or city of Baltimore, as the case may be, in which the certificate of incorporation is required to be and has been recorded.

Fairfax, &c., Co. v. Chambers, 75 Md., 614.

1893, ch. 279.

**304.** No corporation, which under the laws of this State, shall act as trustee, executor, administrator, guardian, committee or receiver, or in any one or more of those capacities without bond or security other than its own obligation, in any case in which bond would be required from a natural person in the like or similar capacity, shall incur the liability of a surety upon any bond of any sort or description, and all acts and parts of acts whether general or special inconsistent herewith, are hereby repealed.

## ARTICLE XXV.

### COUNTY COMMISSIONERS.

#### Draining Lands.

49. Collection of taxes for draining lands.

#### Public Landings.

118. Establishment of public landings.

#### Schools.

120. County Commissioners are authorized to receive and control money given in trust by will or deed for purposes of education.
121. State's attorneys are charged with the duty of seeing to the proper execution of such trusts.

#### Draining Lands.

1892, ch. 649.

**49.** The said commissioners shall deliver to the treasurer a statement of the taxes levied for making said ditches with the sums which each person is bound to pay; and such tax or assessment made and returned to and confirmed by the county commissioners shall remain in full force for the term of ten years from such confirmation and shall be the proportion or basis upon which other and further taxes may be levied by the managers for all necessary purposes for cutting and making or for cleansing and repairing such ditches.

#### Public Landings.

1890, ch. 488.

**118.** In all cases where the public convenience requires it, the county commissioners shall have power to establish a public landing upon any navigable river, canal, bay, sound or other navigable waters.

#### Schools.

1894, ch. 41.

**120.** The County Commissioners of each county in this State, in their capacity of corporations, are invested with full power to receive in trust and to hold and control, for the purposes of such trusts, all money or other property of whatsoever description which may hereafter be bestowed upon such corporations by

will, deed, or in any other form of gift or conveyance, in trust, for purposes of education, and to provide by resolution or otherwise for the execution of said trusts in the mode prescribed by the will, deed or other instrument creating the same.

1894, ch. 41.

**121.** The State's attorneys of the several counties are charged with the duty of seeing that such trusts are carried into effect in their respective counties; and in case of any neglect on the part of the County Commissioners, it shall be the duty of the State's attorney in the county in which such neglect occurs to cause proper proceedings to be instituted in the Circuit Court for said county to compel the execution of the said trust.

## ARTICLE XXVI.

### COURTS.

#### General Provisions.

4. What shall constitute contempt of court.
6. Power of the clerk to enter judgments by confession during recess of court.

#### Judgments.

19. Property upon which judgments shall constitute a lien.
20. Execution upon judgments and decrees; how and within what time to be issued; how returned and proceeded with.

#### Court of Appeals.

30. Disqualification of judges from consanguinity or affinity.
35. Duties and salary of the Crier of the Court of Appeals.
- 35A. Messenger of the Court of Appeals; his salary.

#### Removal of Cases from Courts of Law to Courts of Equity.

42. Removal of causes from courts of law to courts of equity, and *vice versa*.

#### General Provisions.

1898, ch. 31.

**4.** The power of the several courts of the State to issue attachments and inflict summary punishments for contempt of courts, shall not be construed to extend to any cases except the following: (1.) The misbehavior of any person or persons in the presence of the said courts, or so near thereto as to obstruct the

administration of justice ; (2.) The misbehavior of any officers of the said courts in their official transactions ; (3.) The disobedience or resistance by any officer of the said courts, party, juror, witness or any other person or persons to any lawful writ, process, order, rule, decree or command of the said courts ; (4.) For unlawfully detaining or fraudulently and wilfully preventing, or disabling from attending or testifying a witness or party to an action, while going to, remaining at, or returning from the court, or sitting of an examiner in equity, or commissioner, where such cause may be set for trial, hearing, or the taking of testimony ; (5.) For fraudulently and wilfully removing, concealing or destroying any book, paper or document for the production of which for purposes of evidence, either at the trial of a cause, or before an examiner in equity, or commissioner, notice shall have been given ; (6.) For rescuing any person from the custody or removing any property from the possession of any officer holding said person or property by virtue of any writ of a court of competent jurisdiction ; (7.) Any person for assuming to be any attorney, solicitor, or other officer of the court, and acting as such without authority. Every offense which has been, or shall have been, wholly or partly committed against this section, before the repeal and re-enactment thereof with amendments as hereinbefore provided, shall be dealt with, inquired into, tried, determined and punished, and every penalty in respect to any such offense shall be imposed or inflicted, and any fine shall be imposed, enforced or recovered as if said section had not been repealed ; and no case or proceeding pending shall abate, by reason of such repeal, and any liability in respect to any matter or thing committed or done before such repeal and re-enactment with amendments, shall continue and be of the same force and effect as if said section had not been so repealed and re-enacted.

1890, ch. 411.

6. The clerk of any court in this State may, during the recess of said court, enter a judgment by confession with the assent of the parties or attorneys in writing, which shall be filed with the titling, nar., cause of action and other papers in the case in which said judgment is entered ; and a judgment so entered shall from the date of the entry of the same by the clerk, have the same effect as if entered during the session of the Court.

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**Judgments.**

1890, ch. 814.

**19.** Every judgment rendered by any of the courts of law of this State shall be and constitute a lien to the amount and from the date thereof upon all leasehold interest and terms for years of the defendants in land, except leases from year to year, and leases for terms of not more than five years and not renewable, to the same extent and effect as liens are created by judgment upon real estate, and a certified copy of the docket entries from the clerk of the court where any judgment is obtained, or magistrate judgment originally recorded, when recorded upon the judgment record of any other court in the counties of this State or the city of Baltimore, shall be and constitute a lien, from the date of its being so recorded, upon the property of the defendant in said county or city of Baltimore, to the same extent as in the county or city where the said judgment was originally obtained or magistrates' judgment originally recorded.

*Shryock v. Morris*, 75 Md. 79.

1890, ch. 114.

**20.** On all judgments or decrees in any court of law or equity, and on all judgments of justices of the peace recorded in the clerk's office of any court of law, an execution or attachment may issue out of such court or by the clerk thereof, at any time within twelve years from the date of the judgment or decree, or the said judgment or decree may be otherwise proceeded with within twelve years from its date; and in case of the death of any plaintiff in any such judgment, the executor, administrator or other person entitled to the judgment or decree, shall, on application to the clerk of the court having control of the docket whereon such judgment or decree is entered or recorded, be made a party to the same by suggesting the death of the plaintiff in writing, and causing his name to be inserted in the place of said plaintiff or his legal representatives, and have execution or attachment as the plaintiff might have had if no such death had taken place; and in the case of the marriage of a female plaintiff in any such judgment or decree, she may suggest in writing her said marriage, and have execution or attachment thereon, in her new name acquired by such marriage; and in case of the death or marriage

of any of the defendants in any judgment or decree herein mentioned, the plaintiff in any such judgment or decree shall at any time within twelve years from the date of the judgment or decree, upon a suggestion supported by affidavit of the death or marriage of any of said defendants, be entitled to have an execution or attachment issued against the defendant still alive, and such execution or attachment may be laid on any goods, chattels, lands and tenements of any of said remaining defendants; provided, that at any time before the expiration of twelve years from the date of any such judgment or decree, or in case of the death or marriage of any defendant in the judgment, the plaintiff shall have right to have a writ of *scire facias* to renew or revive the same, and on judgments of justices of the peace duly recorded in the clerk's office, such writ of *scire facias* may be issued out of the Superior Court of Baltimore city, or the circuit court of the county, as the case may be, as if said judgment had been originally rendered by said court, and on all such judgments or decrees the plaintiff may have more than one attachment or execution to be laid in the hands of different persons, or levied on other property or effects than that taken under the first, though the first be still outstanding; provided, that but one satisfaction of the debt or demand shall be made, and that it shall be in the discretion of the court in all such cases, whether any costs, and if any, what amount of costs shall be allowed on the subsequent attachments or other executions; the provisions of this section shall apply also to attachments or executions directed to a county different from that where the judgment or decree was rendered, or to or from the city of Baltimore.

#### Court of Appeals.

1892, ch. 521.

**30.** Any judge of the Court of Appeals, or any judge of a circuit court, or any judge of the Supreme Bench of Baltimore city, who shall be connected by consanguinity or affinity with any party to a cause within the third degree, counting down from a common ancestor to the more remote, shall be disqualified from sitting in such cause.

1890, ch. 95.

**35.** It shall be the duty of any crier appointed by the Court of Appeals to be in attendance at the rooms of said court every day in the year, legal holidays and Sundays excepted; and he shall receive for his services one thousand dollars per annum, payable in quarterly instalments; and whenever in the judgment of said court the attendance or services of a sheriff may be required in said court, the judges thereof may direct a sheriff to attend or perform such services, for which attendance and services the said sheriff shall be entitled to a per diem of three dollars and fifty cents; and the judges of said court shall, at the end of each session of the said court, give such sheriff a certificate of the number of days for which he is entitled to said per diem.

1892, ch. 353. 1894, ch. 255.

**35 A.** The judges of the Court of Appeals are authorized to appoint a messenger to the court, and he shall receive one thousand dollars, to be paid to him in quarterly instalments.

**Removal of Cases from Courts of Law to Courts of Equity.**

1896, ch. 229.

**42.** In every case at law or in equity in which it shall appear that the plaintiff is entitled to some relief or to some remedy, but not in the particular court, or on the side of the court in which the suit is brought or the relief is prayed, the plaintiff shall not on that account be non-suited or the case dismissed; but the case may, in the discretion of the judge presiding in the court in which the suit is pending, at any time, in any action at law, before the jury retire to consider their verdict, or in a suit in equity, before the final decree is signed, be removed by an order in writing signed by the judge or judges there presiding, to such proper court or docket, either of equity or law, in the same county or city, as the nature thereof may require, and thereupon such proceedings shall be had, by amendment of the pleadings and otherwise, as shall conform the case to the course of the court to which the same shall have been removed under such general or special rules as each of such courts may prescribe for the adjustment of costs, the prevention of delay and the promotion of justice.

## ARTICLE XXVII.

## CRIMES AND PUNISHMENTS.

## I.

**CRIMES AND PUNISHMENTS.****Abduction.**

1. Of female under eighteen; penalty.

**Bawdy Houses and Houses of Ill Fame.**

- 16 A. Penalty for keeping such houses. General reputation of house admissible evidence.

**Concealed Weapons.**

30. Penalty for carrying.

**Counterfeiting and Forgery.**

32. Deed, will or other private instruments. Penalty.

- 40 A. Labels, trade-marks, etc. of unions of workmen.

- 40 B. Penalty for counterfeiting such trade-marks, labels, etc.

- 40 C. Such label or trade-mark may be filed for record.

- 40 D. Manufacture, use, display, etc. may be enjoined.

- 40 E. Penalty for using genuine label, etc., without authority.

- 40 F. Penalty for using name or seal of such association.

- 46 A. Penalty for counterfeiting physician's prescriptions, recipes, etc.

**Cruelty to Animals.**

- 46 B. Cruelty of any kind to animals a misdemeanor.

- 46 C. What the words "torture or cruelty" include.

- 46 D. Justices of the peace may have concurrent jurisdiction with Courts.

- 46 E. Disposition of fines in such cases.

- 46 F. Justice must obtain written waiver of right of jury trial from accused party.

- 46 G. Shooting of carrier pigeons unlawful.

- 46 H. Penalty for such offense.

- 46 I. Entrapping carrier pigeons unlawful. Penalty for such offense.

**Desertion of Wife or Child.**

- 47 A. Penalty for non-support by husband of wife or minor child.

**Destroying or Injuring Property Maliciously.**

51. Penalty for entering upon the property of another with malicious intent to injure or destroy.

52. Penalty for malicious injury or destruction of property of another.

59. Penalty for breaking into railroad cars.

- 59 A. Tampering with electrical conductors unlawful.

- 59 B. Penalty for such offense.

**Disturbance of the Public Peace.**

67. Penalty for obstructing the free passage of persons or disturbing the public peace by unseemly noises and bad language.

**Drunkenness and Disorderly Conduct.**

68. Penalty for such offense and repetition. Not applicable to Frederick and Carroll counties.

68 A. Penalty for keeping a disorderly house.

**Embezzling Property and Writings.**

79 A. Master of vessel shall account to owner for cargo. Penalty.

**False Pretenses.**

88 A. Obtaining money by misrepresentation of pecuniary responsibility. Penalty.

**Fraud—Boarding House, Hotel and Livery-Stable Keepers.**

84 A. Penalty for fraudulent representations against hotel keepers.

84 B. Penalty for failing to pay for accommodation for man or beast through fraudulent representations to hotel, inn, boarding-house or livery-stable keepers.

**Fraud—Breach of Trust—Bills of Lading, etc.**

87 A. Penalty for failure or neglect to comply with terms of trust.

**Fraud—Conversion by Factors of Consigned Goods.**

92 A. Commission merchants, factors or consignees of farm products shall require deposit of full value of crates, etc., to be made by purchaser.

92 B. Penalty for failure to comply with section 92 A.

92 C. Full account of the amount of sale, etc., must be transmitted to consignor within twenty-four hours.

**Fraud—False Insignia.**

97 A. Penalty for falsely wearing any insignia of the Loyal Legion

or badge of the Grand Army of the Republic of the United States.

100-104. Repealed.

**Fraud—Insurance Companies, by Directors or Officers of.**

107 A. Penalty for receiving premiums or assessments after company has become insolvent.

**Fraud—Itinerant Vendors.**

107 B. What "itinerant vendors" shall be construed to mean.

107 C. To whom the provisions of this sub-title shall not apply.

107 D. Penalty for selling without license.

107 E. Penalty for advertising sales without license.

107 F. State and local license.

107 G. Deposit and payment of State license fee to be made by vendor.

107 H. Applications for license must be sworn to.

107 I. Local license fee.

107 K. Statement of average quantity and value of goods must be made by vendor.

107 L. Penalty for fraudulent statements.

107 M. Penalty for neglect or refusal to pay license fee.

107 N. Under what conditions vendors may make special sales of bankrupt goods.

107 O. Penalty for false statement or failure to perform such conditions.

107 P. Licenses to expire May 1st.

107 Q. Deposit to be returned upon surrender of license.

107 R. Deposits liable to attachments.

107 S. Duty of prosecuting officers to see that the provisions of this sub-title are carried out.

**Fraud—Mortgagors of Personal Property.**

111. Penalty for removing mortgaged personal property or property taken in execution.

**Fraud—Red Clover Seed, Sales of.**

- 117 A. Mixed with yellow trefoil seed, must be so stamped.  
 117 B. Penalty for non-compliance with provision of 117 A.  
 117 C. Sales of such seed must conform with section 117 A.

**Fraud—Stallions, by Owners or Agents of.**

- 118 A. Owners or agents must file statement of the age, pedigree and record of stallions advertised for service.  
 118 B. Penalty for false statement.  
 118 C. Service of stallion to be a lien on mare and her foal.  
 118 D. Entering horses for premiums under assumed name unlawful.  
 118 E. Penalty for violation of section 118 E.

**Fraud—Upon Turnpikes.**

- 118 F. Penalty for evading or refusing to pay tolls.

**Fraud—Warehouse, Storage and Elevator Receipts.**

- 119 A. Penalty for neglect or refusal to deliver to proper parties drafts, bills of exchange, etc., for grain or other merchandise stored in elevator.

**Gaming.**

- 124 A. Betting or making pools on horse races or other contests prohibited.  
 124 B. Betting within grounds of licensed agriculture associations in this State upon horse races not unlawful.

- 124 C. Applicant must file petition for license. Notice by publication.

- 124 D. What petition must contain.

- 124 E. Name of grounds, etc., to be specified in license. Limitation upon number of licenses.

- 124 F. Pending proceedings not affected.

**Graveyard Desecrations.**

135. Penalty for injury to tombs and cemetery property.

**Gunning.**

136. Penalty for trespassing with gun.

**Health—Deleterious Candy, Adulteration of.**

- 188 A. Sales of such adulterated candy a misdemeanor; penalty.

- 188 B. Person injured by use of such adulterated candy may recover damages.

**Health—Hours of Labor of Children.**

139. Children under sixteen years shall be employed not more than ten hours a day.

140. Longer employment a misdemeanor. Penalty.

141. Definition of "suffer or permit."

**Health—Infants.**

- 144 A. Duty of mid-wife or nurse as to the eyes of infant. Penalty.

**Health—Sale of Cigars and Tobacco to Minors.**

145. Sale of cigars and tobacco to minors prohibited.

146. Penalty for violating law as to such sale.

**Health—Salesladies, Chairs for.**

- 147 A. Proprietors must provide chairs for female help or clerks. Penalty.

**Health—Schools.**

147 B. Water closets must be provided in school buildings.

147 C. Penalty for neglect; proviso.

**Health—Workshops and Factories—Sweating System.**

149 A. Penalty for manufacturing garments under conditions favorable for transmitting disease.

149 B. Any individual or officer of a corporation liable for such manufacture. Penalty.

149 C. Definition of "sweat shops."

149 D. Disposition of fine.

**Heating Steam Passenger Cars.**

150 A. Time extended in which railroads may heat passenger cars with stoves.

150 B. Power of Board of public works as to heating steam passenger cars.

150 C. The requirements of section 160 not to apply to passenger cars when used as freight or mixed train; proviso.

**Larceny—Corn and Willows.**

160. Penalty for larceny of corn, willows, fruits, etc. from the soil.

**Larceny—Goods, Wares and Merchandise Entrusted to be Manufactured.**

162. Penalty for larceny of such entrusted goods.

**Larceny—Horses.**

165. Penalty for carrying away horses or live stock or vehicles; proviso.

**Lotteries.**

176. Penalty for keeping office for selling lottery or policy tickets.

177. Liability of owner of house permitting his house to be used for such sales.

178. Liability of persons having in their possession such lottery or policy tickets. Penalty.

**Mineral Waters, Porter and Other Beverages.**

201. Owners must file description of bottles, kegs, founts, etc.

202. Record to be evidence of title.

203. Traffic in or injury to such stamped bottles unlawful. Penalty.

204. Possession and use of such stamped bottles, etc., *prima facie* evidence of guilt.

205. Search warrant, how issued.

206. Jurisdiction of Justices of the Peace in such cases.

**Minors—Employment on the Streets.**

209 A. Penalty for employing minors under eight years of age on the streets.

**Minors—Obtaining Liquor Under False Statement of Age.**

209 B. Penalty against minor for such misrepresentation; proviso.

209 C. Liability of persons obtaining liquor for such minor. Penalty.

**Minors—Convict.**

209 D. Sentence of convict minors to Houses of Refuge.

**Obscene Publications.**

220. Penalty for sale of such publications.

220 A. Penalty for selling or giving such publications or pictures to minors.

**Perjury.**

226 A. Necessary to prove but one of two contradictory statements to sustain indictment in case of perjury.

227. Subornation of perjury.

228. Penalty for such subornation.

**Pneumatic Tire.**

- 228 A. Penalty for placing any substance in streets or roads which may injure pneumatic tire. Application of such fines.

**Railroad Obstructing.**

- 231 A. Penalty for riding on cars unlawfully.

**Rape.**

233. Penalty for carnal knowledge of child under fourteen years of age, or of insane women of any age.
- 233 A. Penalty for carnal knowledge of female between the ages of fourteen and sixteen; proviso.

**Receiving Stolen Goods, Money or Securities.**

234. Penalty for receiving such goods.

**Threats and Threatening Letters.**

- 257 A. Penalty for sending or delivering such letters.
- 257 B. Penalty for threatening verbally.
- 257 C. Penalty for extorting or attempting to extort money by threat or false accusation.

**Trade—Trading Stamps.**

- 263 A. Issuing of such stamps unlawful.
- 263 B. Redemption of such stamps unlawful.
- 263 C. Penalty for violating either of two preceding sections.

**Vagrants and Tramps.**

- 276 A. Officers of charitable corporations may demand work from such needy persons in return for help; person refusing to work may be punished.

**II.****JURISDICTION, PROCEDURE AND SENTENCE.****Indictments—Forgery and False Pretenses.**

- 291 A. What sufficient description of stolen money to sustain indictment.

**Indictments—Selling Liquor.**

- 291 B. Not necessary to specify particular variety.

**Sentence for First Offense—Release on Recognizance.**

- 304 A. Courts may release first offenders on probation, in what cases.

**III.****PLACES OF REFORMATION AND PUNISHMENT.****House of the Good Shepherd for Colored Girls.**

- 329 A. Purposes of the House of the Good Shepherd for Colored Girls. Powers and duties of the corporation.
- 329 B. Commitments, how made.

**House of Refuge.**

353. Managers, how elected and appointed.

**House of Refuge—Female.**

- 378 A. Life members — treasurer's books shall be *prima facie* evidence of membership.

**State Penitentiary.**

393. Warden may appoint what officers.
396. Directors may fix salaries, of what officers. Oath and bond of such officers.
397. Salary of warden.
406. Directors may make contracts and employ agents.

**State Penitentiary—Convicts.**

424 A. Record of criminals to be kept.

424 B. State's Attorney to forward criminal history of convict.

424 C. To whom such record may be accessible.

424 D. Bertillon method to be adopted for describing convicts.

424 E. Copy of description to be fur-

nished, upon request of warden or other officers.

424 F. Such description to be furnished upon order of superintendent of police.

**State Penitentiary—Removal of Insane Convicts.**

433 A. Powers of board of directors as to such removals.

**Abduction of Females Under Eighteen Years.**

1890, ch. 448.

1. Any person who shall for purposes of prostitution, fornication or concubinage, forcibly abduct from her home or usual place of abode, or from the custody and control of her parent or parents or guardian, any female under the age of eighteen years, or be accessory thereto, or who shall for said purpose persuade or entice from her usual place of abode, or from the custody and control of her parent or parents or guardian, any such female, or be accessory thereto, or shall knowingly secrete or harbor any such female so abducted, persuaded or enticed as aforesaid, against the consent of her parent or parents or guardian, or the person or persons who may have the temporary care, custody or control of such female, or be accessory thereto, shall, upon conviction, be deemed guilty of a misdemeanor, and shall undergo imprisonment in the penitentiary, in the discretion of the court, not exceeding the term of eight years; provided, that nothing contained in this section shall apply to cases pending nor to violations of the law which have heretofore occurred, but all such cases and violations shall be prosecuted as if the law hereby repealed were still in force.

**Bawdy Houses and Houses of Ill-Fame.**

1892, ch. 522.

16 A. Any person who shall be convicted of the crime of keeping a bawdy house or house of ill-fame, shall be fined a sum not exceeding five hundred dollars or imprisoned in jail or the house of correction for a period not exceeding one year, or both fined and imprisoned in the discretion of the court; and upon the trial of any person charged with keeping a bawdy house or

house of ill-fame, it shall be competent for the prosecution to offer in evidence the general reputation of the house kept by the person on trial in support of the charge.

### Concealed Weapons.

1894, ch. 547.

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h. 119 30. Every person not being a conservator of the peace entitled or required to carry such weapon as a part of his official equipment, and not carrying such weapon as a reasonable precaution against apprehended danger, who shall wear or carry any pistol, dirk knife, bowie knife, slung shot, billy, sand club, metal knuckles, razor or any other dangerous or deadly weapon of any kind whatsoever (penknives excepted,) concealed upon or about his person, and every person who shall carry or wear any such weapon openly, with the intent or purpose of injuring any person in any unlawful manner, and not for any proper purpose of self-protection, shall, upon conviction thereof, be fined not more than one thousand dollars, or be imprisoned not more than two years in jail or in the house of correction; and the court or jury before whom any such case may be tried shall in all cases have the right to judge of the reasonableness of the carrying of any such weapon, and of the proper occasion therefor, upon satisfactory proof; and in case, upon conviction of any offender, the court, in view of the evidence, shall be of the opinion that such weapon was carried with the deliberate purpose of inflicting grievous and unlawful injury to the life or person of another, it shall in that case be the duty of the court to impose the highest sentence of imprisonment hereinbefore prescribed.

### Counterfeiting and Forgery.

1890, ch. 550.

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419 32. Any person who shall falsely make, forge or counterfeit, or cause, or procure to be falsely made, forged or counterfeited, or willingly aid or assist in falsely making, forging, altering or counterfeiting, any deed, will, testament or codicil, bond, writing obligatory, bill of exchange, promissory note for the payment of money or property, endorsement or assignment of any bond, writing obligatory, bill of exchange, promissory note for the payment of money or property, acquittance or receipt for money

or property, or any acquittance or receipt either for money or property, with intention to defraud any person whosoever, or shall utter or publish as true, any false, forged, altered or counterfeited deed, will, testament or codicil, bond, writing obligatory, bill of exchange, promissory note for the payment of money or property, or endorsement or assignment of any bond, writing obligatory, bill of exchange, promissory note for the payment of money or property, acquittance or receipt for money or property, shall be deemed a felon, and on being convicted thereof, shall be sentenced to the penitentiary for not less than five nor more than ten years; provided, that nothing contained in this section shall in any manner affect any cases now pending, or any violations of the law which have heretofore occurred, but all such cases and violations shall be prosecuted to a conclusion as if the law hereby repealed were still in force.

1892, ch. 357.

**40 A.** Whenever any person, association or union of workmen have adopted, or shall hereafter adopt for their protection any label, trade-mark or form of advertisement announcing and denoting that goods to which such label, trade-mark or form of advertisement shall or may be attached, were manufactured by such person or by a member or members of such association or union, it shall not be lawful for any person or corporation to counterfeit or imitate such label, trade-mark or form of advertisement; every person violating this section shall be deemed guilty of a misdemeanor and shall upon conviction by any court having criminal jurisdiction be punished by imprisonment in the city or county jail for not less than three months nor more than one year or by a fine of not less than one hundred dollars nor more than five hundred dollars, or both, in the discretion of the court.

Ibid.

**40 B.** Every person, corporation or association who shall use any counterfeit or imitation of any label, trade-mark or form of advertisement of any such person, union or association, knowing the same to be counterfeit or imitation, shall be guilty of a misdemeanor, and shall, on conviction by any court having criminal jurisdiction, be punished by imprisonment in the city or

county jail for a term of not less than one month nor more than one year, or by a fine of not less than one hundred dollars nor more than two hundred dollars, or both, in the discretion of the court, and the burden of proving that the defendant did not know the true character of the said label, trade-mark or form of advertisement, and that he used the same in good faith shall be on the defendant.

1892, ch. 357.

**40 c.** Every such person, association or union that has heretofore adopted or shall hereafter adopt a label, trade-mark or form of advertisement as aforesaid, may file the same for record, in the office of the Secretary of State, by leaving two copies, counterparts or fac-similes thereof, with the Secretary of State, and said secretary shall deliver to such person, association or union so filing the same, duly attested certificate of the record of the same, for which he shall receive a fee of one dollar. Such certificate of record shall be in all suits and prosecution under sections 40 A to 40 F sufficient proof of the adoption of such label, trade-mark or form of advertisement, and of the right of said person, association or union to adopt the same. No label shall be recorded that probably would be mistaken for a label already of record, of which question the said secretary shall be the judge.

Ibid.

**40 d.** Every such person, association or union adopting a label, trade-mark or form of advertisement as aforesaid, may proceed by suit to enjoin the manufacture, use, display or sale of any such counterfeit or imitation, and all courts having jurisdiction thereof, shall grant injunctions to restrain such manufacture, use, display or sale, and shall award the complainant in such suit such damage resulting from such wrongful manufacture, use, display, or sale, as may by said court be deemed just and reasonable, according to the evidence in the case, and shall require the defendants to pay such persons, associations or unions, the profits derived from such wrongful manufacture, use, display or sale, and in addition to court costs, such reasonable attorney's fees as the court may allow; and said court shall also order that all such counterfeits or imitations in the possession or under the control of any defendant in such case be delivered to an officer of the court, or to the complainant, to be destroyed.

1892, ch. 357.

**40 E.** Every person who shall use or display the genuine label, trade-mark or form of advertisement, of any such person, association or union, in any manner not authorized by such person, union or association, shall be deemed guilty of a misdemeanor, and shall on conviction be punished by imprisonment in the city or county jail not less than one month nor more than one year, or by a fine of not less than fifty dollars nor more than two hundred dollars, or both, in the discretion of the court.

Ibid.

**40 F.** Any person or persons who shall in any way use the name or seal of any such person, association or union, or officer thereof, in and about the sale of goods or otherwise, not being authorized to so use the same, shall be guilty of a misdemeanor, and be punished on conviction by imprisonment in the city or county jail for a term of not less than three months or more than one year, or by a fine of not less than fifty dollars nor more than three hundred dollars, or both, in the discretion of the court.

1892, ch. 545.

**46 A.** If any person shall falsely make, alter, forge or counterfeit, or cause or procure to be falsely made, altered, forged or counterfeited, or shall willingly aid or assist in falsely making, altering, forging or counterfeiting, or shall utter or pass, knowing it to be falsely made, altered, forged or counterfeited, any order, paper, letter writing, prescription, recipe or other device purporting to have been made by a regular practising physician, for any drugs, medicines, spirituous or fermented liquors, he shall be deemed guilty of a misdemeanor, and on conviction in any court in this State, shall be sentenced to the jail, the house of correction or penitentiary, for not less than six months nor more than two years, in the discretion of the court. If upon trial of any person, charged with, or indicted for such misdemeanor, it shall appear that he paid for, or offered or promised to pay for, the drugs, medicine, spirituous liquor or fermented liquor obtained by means of such falsely made, altered, forged or counterfeited order, paper, letter writing, prescription, recipe or other device

purporting to have been made by a regular practising physician, he shall not by reason thereof be acquitted of such misdemeanor.

#### **Cruelty to Animals.**

1890, ch. 198.

**46 B.** Any person who wilfully sets on foot, instigates, engages in, or in any way furthers any act of cruelty to any animal, or any act tending to produce such cruelty, or by any act, conduct, neglect, or omission wilfully causes, permits or suffers any animal to undergo any species of torture or cruelty, shall be deemed guilty of a misdemeanor.

*Ibid.*

**46 c.** The words "torture or cruelty" shall be held to include everything whereby unjustifiable physical pain, suffering or death is caused or permitted, and the word animal shall be held to include every living creature except men.

*State v. Falkenham*, 73 Md. 464.

1892, ch. 340.

**46 d.** Justices of the peace shall have jurisdiction concurrent with that of the courts of criminal jurisdiction, to try and determine all cases in relation to cruelty to animals and to pronounce sentence of fine and imprisonment, or either, in the same manner as said courts; but if either the parties accused or the State's attorney shall elect to have the case tried before court, it shall be the duty of the justice of the peace to give a preliminary hearing, except in cases where such hearing is waived by the accused, and if there be a probable cause of guilt, to commit or bail the accused for the action of the court having jurisdiction.

*Ibid.*

**46 e.** Whenever a fine is imposed in any such case by any court or justice of the peace, one-half thereof shall be paid to the Maryland Society for the Prevention of Cruelty to Animals of Baltimore City, in case there shall be no society of a similar character in the county, city or town where the offense shall have been committed, in which latter event the said one-half of the fine shall be paid to the said local society.

1892, ch. 340.

**46 F.** The justice of the peace before whom any party accused shall be brought for his action under the provision of sections 46 B to 46 F, shall before proceeding to try and determine the case, make known to such party his right to a trial before the court having criminal jurisdiction, as aforesaid, and shall obtain from such party a written waiver of said right, signed by such party, to be filed among the proceedings in the case and to be noted on the docket of said justice.

1894, ch. 142.

**46 G.** It shall be unlawful for any person or persons to shoot or otherwise kill or maim any Antwerp or homing pigeon, commonly called and known by the name of "carrier pigeon" either while in flight or at rest.

Ibid.

**46 H.** Any person violating the provisions of the preceding section shall be guilty of a misdemeanor, and upon conviction, shall for every such offense pay a fine not exceeding ten dollars.

Ibid.

**46 I.** It shall be unlawful for any person or persons to entrap, catch or detain any Antwerp or homing pigeon, commonly called and known by the name of "carrier pigeon;" provided, however, that such pigeon shall at the time have the name of the owner stamped upon its wing or tail, or having a band with the owner's initial, name or number on its leg; and any person or persons violating the provisions of this section shall be liable to the same penalty as that prescribed in the preceding section.

*46 T. - 1900 456. (Restriction of abandoned animals)  
46 T. - 1902 ch. 527 (Crimes & Punishments)  
Desertion of Wife or Child.*

1896, ch. 73.

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**47 A.** Any person who shall without just cause desert or wilfully neglect to provide for the support and maintenance of his wife ~~and~~ <sup>or</sup> minor child, shall be deemed guilty of a misdemeanor, and, upon indictment and conviction in any court of the State having criminal jurisdiction, shall be fined not more than one hundred dollars or be imprisoned in the Maryland House of Cor-

rection, not exceeding one year, or both, in the discretion of the court.

*187 C. Added 1902 ch. 498 (Desecration of National Flag)*  
**Destroying Property Maliciously.**

1892, ch. 99.

**51.** Any person who shall enter any dwelling-house, outhouse, stable, barn, warehouse, storehouse, banking-house, factory, workshop, court house, school house, mill house, church, or any building occupied in part or in whole by any of the public, municipal, or private corporations of the State, or upon any vessel, or upon any yard where lumber, coal, or any sort of goods and chattels are deposited or kept for the purpose of trade, or upon any property or land, with the intent maliciously to injure, or destroy any of the buildings aforesaid or any part thereof, or any furniture, property or effects therein or thereon being found, or any property or effects deposited or kept in, or upon any vessel or yard, or with the intent to slay, kill, maim or tar and feather any person being in or upon any of the premises aforesaid, upon conviction thereof shall, in the discretion of the court be sentenced to the penitentiary of this State for not less than two years nor more than twenty years, or to the house of correction, not exceeding three years, or to the city or county jail, not exceeding one year.

1892, ch. 85.

**52.** Any person who shall wilfully or maliciously injure or destroy any dwelling house, outhouse, stable, barn, warehouse, store house, banking house, factory, work shop, court house, school house, church, mill house, or take and carry away any growing tree, or cut down any tree, or destroy a vine, plant, shrubbery, root, vegetable, fruit or grain, or any fencing, cord wood or hoop poles, shall, on conviction thereof, be adjudged guilty of a misdemeanor, and after presentment and indictment by a grand jury and conviction, shall, in the discretion of the court, be imprisoned in the penitentiary of this State for not less than one year, nor more than three years, or in the house of correction, not exceeding three years, or in the city or county jail not exceeding one year, or be fined not less than five dollars nor more than one hundred dollars, or be both fined and imprisoned in jail as aforesaid.

1890, ch. 498. 1892, ch. 628.

**59.** Any person, his aiders, abettors, and counsellors, who shall be convicted of the crime of breaking into, or entering by force, any railroad car then being in the possession or use of any railroad company in this State, or then being upon the tracks of any railroad company in this State, shall, in the discretion of the court, be imprisoned in the penitentiary not less than two nor more than ten years, or in the house of correction not exceeding three years, or in jail, not exceeding one year.

1898, ch. 400.

**59 A.** It shall be unlawful for any person or persons to wilfully connect or disconnect any electrical conductors belonging to any company using or engaged in the manufacture and supply of electric currents for purposes of light, heat and power, or either of them, or to make any connection with any such electrical conductors for the purpose of using or wasting the electric current, or to in any wise tamper with any meter used to register current consumed, or to interfere with the operation of any dynamo or other electrical appliance of such company, or to tamper with or interfere with the poles, wires or conduits used by such companies, unless such person or persons shall be duly authorized by or be in the employ of such company; provided, that nothing in this section shall in any way interfere with any lawful supervision and control of electric light and power companies, their electric conductors, appliances, machinery and poles by the municipality within which such companies are doing business, or by the officers of such municipality, nor shall anything in this section interfere with any right now existing in the councils of any municipality to pass ordinances relating to and regulating such electric light and power companies.

Ibid.

**59 B.** Any person or persons found guilty of a violation of any of the provisions of the preceding section shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be imprisoned not exceeding six months or fined not exceeding five hundred dollars, or both or either, in the discretion of the court.

*59 C. Added 1902 ch. 1536 Removing packing from locomotion  
59 C + D. added 1904 ch. 546 (Tampering with water comm.)*

**Disturbance of the Public Peace.**

1898, ch. 351.

1900  
Ch. 285, 67. Any person who shall wilfully obstruct or hinder the free passage of persons passing along or by any public street or highway in any city or town of this State, or who shall wilfully disturb any neighborhood in such city or town by loud and unseemly noises, or shall profanely curse and swear, or use obscene language upon or near to any such street or highway within the hearing of persons passing by or along such highway, or who shall wilfully hinder or obstruct the free passage of persons passing on or through or out of the station grounds of any railroad in the State, or who shall wilfully act in a disorderly manner within such station grounds by making such loud and unseemly noises, or by catching hold of and soliciting persons on said grounds against the will of such person, shall, upon conviction thereof, be sentenced to a fine of not less than one dollar and to the costs of his prosecution.

**Drunkenness and Disorderly Conduct.**

1892, ch. 672.

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K118 68. Every person who shall be found drunk, or acting in a disorderly manner, to the disturbance of the public peace upon any public street or highway, in any city or county in this State, or at any place of public worship or public resort or amusement in any city or county of this State, shall be deemed to be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of one dollar and costs, and when such fine and costs are not paid, the party shall be committed for seven days for the first offense. Where the party has been convicted for a second offense within thirty days from date of conviction for the first offense, the party shall be subject to a fine of one dollar and costs, and when such fine and costs are not paid, the party shall be committed for twenty days. Where the party has been convicted four times of this offense within a term of sixty days, he shall be subject to a fine of five dollars and costs and when such fine and costs are not paid the party shall be committed for a term of three months to the city or county jail or to the house of correction, such party to be released at any time before the term of his imprisonment expires upon the payment of his fine

and costs. The justice of the peace for the respective counties of this State shall have concurrent jurisdiction over such offense with the circuit courts for their respective counties; and justices of the peace selected to sit at the respective station houses in the city of Baltimore, shall have concurrent jurisdiction over such offense with the Criminal Court of Baltimore. This section not to apply to Frederick nor Carroll county.

1890, ch. 523.

**68 A.** Any person who shall keep a disorderly house, shall, on conviction thereof, be subject to a fine of not less than fifty dollars nor more than three hundred dollars, or to imprisonment in jail for not less than ten days nor more than six months, or to both fine and imprisonment.

Beard v. State, 74 Md. 181.

#### **Embezzling Property and Writings.**

1892, ch. 25.

**79 A.** In all cases where any person or persons shall be employed in the management or navigation of any vessel or vessels in any river, bay or other waters exclusively within this State, on shares, whereby the master and owner or owners of such vessel or vessels are to receive a certain share, respectively, of the proceeds derived from the sale of the cargo or cargoes thereof, the owner or owners of such vessel or vessels shall be deemed *ipso facto* owner or owners of a part of the cargo, equal in quantity to the share of the proceeds, which, by the terms of such employment, such owner or owners may be entitled to receive; and the master of such vessels shall be deemed to be the agent of the owner for the purpose of selling or disposing of such owner's share of the cargo; and the master of such vessel shall account for and pay over to such owner or owners his or their share of the cargo or the proceeds thereof; and if such master shall neglect or refuse to account for and pay over to such owner or owners the consideration received therefor, with intent to defraud the said owner or owners, or any of them, he shall be deemed guilty of a misdemeanor, and on conviction thereof in any court of this State having criminal jurisdiction, shall be subject to the penalty or penalties as provided in section seventy-eight of this article.

**False Pretenses.**

1892, ch. 142.

**83 A.** Any person who shall, by any false and fraudulent representation in writing signed by him as to his own or his partner's pecuniary responsibility, wealth or mercantile correspondence or connections, obtain any loan of money or of property from any person, persons, copartnership or corporation, and shall thereby defraud such person, persons, copartnership or corporation, or who shall cause or procure another to make any false and fraudulent representation in writing, signed by the person making the same, as to the pecuniary responsibility, wealth or mercantile correspondence, or connections of the person who shall cause or procure such false representation to be made, or of any other person, and shall thereby obtain any loan of money or of property from any person, persons, copartnership or corporation, and shall thereby defraud such person, persons, copartnership or corporation, shall be guilty of a misdemeanor, and on conviction thereof, shall be sentenced to return the money or property so fraudulently obtained, and shall be fined not exceeding two thousand dollars, or shall be confined in the jail of the county or the city of Baltimore, as the case may be, not exceeding one year, or shall be both fined and imprisoned as aforesaid, in the discretion of the court.

**Fraud—Boarding House, Hotel and Livery Stable Keepers.**

1892, ch. 42. 1894, ch. 418. 1898, ch. 287.

**84 A.** Every person who shall by any false or fraudulent representations, or by any false show of baggage, goods or chattels, which are calculated to deceive any hotel proprietor, keeper or manager, obtain lodging or credit, or the use of any horse or vehicle, or food or stabling for a horse or horses in any hotel in this State, or from the keeper of any livery stable, and shall subsequently refuse, decline or fail to pay for his credit, board or lodging, or use of horse or food or stabling for horse furnished him, shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine of not more than one hundred dollars, or by imprisonment in jail for a term of not less than one month nor more than six months, or by both such fine and imprisonment in the discretion of the court.

1892, ch. 42. 1894, ch. 418. 1898, ch. 287.

**84 B.** Every person who shall at any hotel, inn, boarding house, or livery stable, receive or cause to be furnished any food or accommodation for man or beast, and shall fraudulently fail to pay for the same, and every person who shall obtain credit at any hotel, inn or boarding house by the use of any false pretense or device, or by fraudulently depositing at such hotel, inn or boarding house any baggage or property of value less than the amount of such credit or of the bill by such person incurred; and every person who after obtaining credit or accommodation at any hotel, inn or boarding house shall abscond or fraudulently depart or remove his baggage therefrom without discharging the debt as aforesaid incurred, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars, or by imprisonment in jail for a term of not less than one month nor more than six months, or by both such fine and imprisonment, in the discretion of the court.

**Fraud—Breach of Trust—Bills of Lading Elevator or Warehouse Receipts.**

1890, ch. 399.

**87 A.** If any person or persons, shall on his or their own behalf, or shall for or on behalf of any other person or persons, or shall for on behalf of any firm, copartnership or corporation, receive, accept or take in trust, from any person, persons, firm, copartnership or corporation, any warehouse receipt or elevator receipt, or bill of lading or any document giving or purporting to give title to, or the right to possession of any goods, wares, merchandise or other personal property of any kind, under or subject to any written contract or agreement expressing the terms and conditions of such trust; and if such person or persons so receiving any warehouse receipt or elevator receipt, bill of lading or any document giving or purporting to give title to or the right to possession of any goods, wares or merchandise or other personal property of any kind shall, in violation of good faith, fail, neglect or refuse to perform or fulfill the terms and conditions of such trust as expressed in such written contract or agreement, then and in every such case such person or persons so failing, neglecting or refusing to perform or fulfill the terms and conditions of such trust shall, on being convicted thereof, be

imprisoned in the penitentiary for a term not more than ten years or less than one year, or be fined not more than five thousand dollars or less than five hundred dollars, or both in the discretion of the court.

**Fraud—Conversion by Factors of Consigned Goods.**

1890, ch. 619.

**92 A.** Every factor, commission merchant or consignee, and every person selling on commission any farm products of persons within this State, such as vegetables, fruit, grain, tobacco, poultry, eggs, cattle, swine or any other farm products whatsoever, shall require of every purchaser at the time of making such sale or sales to deposit with such factor, commission merchant, consignee or agent the full market value of all vessels such as crates, boxes, barrels, bags, baskets, casks or any other vessel or vessels used in the packing and transportation of any such farm products, to be fixed by such factor, commission merchant, consignee or agent. Such deposit shall be refunded to such purchaser or to the person entitled to receive the same in case he brings back within five days and delivers to such factor, commission merchant, agent or consignee the aforementioned vessel or vessels in as good condition as when he received the same; and if any purchaser shall fail to return such vessel or vessels within five days after receiving the same the said deposit shall be considered as forfeited, and the said factor, agent, consignee or commission merchant shall pay the same over to the owner of such vessel or to the person entitled to receive the same at the next ensuing settlement of accounts with such owner or person; and it shall be the duty of every such factor, agent, consignee or commission merchant whenever such vessels are returned to him to deliver the same to the transportation agent or carrier that brought them to the place of sale and to take a receipt therefor; the legal responsibility of the factor, agent, consignee or commission merchant for such vessels shall thereupon cease and determine, and the transportation agent or carrier so receiving the same shall become responsible to the owner or person entitled to receive the same for the full value of all such vessels until they shall have been deposited at the landing or station at which they were received.

1890, ch. 619.

**92 B.** Any agent, factor, consignee or commission merchant who shall fail to require the deposit named in the preceding section, or who shall fail to deliver to the transportation agent or carrier within forty-eight hours after the same shall be returned to him, any vessels that may be returned to him by purchasers as prescribed by the preceding section, shall forthwith forfeit to the owner or owners thereof, or to the person or persons entitled to receive the same the full market value of such vessels, which sum so forfeited shall be added to and be considered a part of the price at which the merchandise contained in such vessels had been sold; and any agent, factor, consignee or commission merchant who shall refuse to pay over to the owner or person entitled to receive the same within five days after demand has been made therefor, any sum or sums so forfeited for such vessels, shall be subject to the penalty provided in section 92 c of this article.

Ibid.

**92 c.** Every agent, factor, consignee or commission merchant within twenty-four hours after sale shall have been made by him of any farm products or articles consigned to him for sale by any person within this State, shall transmit to the consignor thereof a full account of sale, which shall contain the amount and price of the articles so sold, as well as the name and address of the purchaser thereof; said address shall give the city, street and number of house or place of business of such purchaser, and any agent, consignee or commission merchant who shall refuse or neglect to comply with any provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of five dollars for each and every offense, together with the costs of prosecution.

**Fraud—False Insignia.**

1890, ch. 214.

**97 A.** Any person who shall wilfully wear the insignia or rosette of the military order of the loyal legion of the United States, or badge or button of the Grand Army of the Republic, or use the same to obtain aid or assistance within this State, unless he shall be entitled to use or wear the same under the constitution and by-laws, rules and regulations of such organization, shall be

guilty of misdemeanor, and upon conviction shall be punished by a fine not to exceed one hundred dollars.

1892, ch. 256. 1898, ch. 448.

**100 to 104.** Repealed.

**Fraud—Insurance Companies, by Directors or Officers of.**

1898, ch. 320.

**107 A.** Any director or officer of any insurance company, or association, or fraternal beneficiary association, who shall receive any premium or assessment on behalf of said company, association or fraternal beneficiary association, knowing at the time of the receipt of said premium or assessment, said company, association, or fraternal beneficiary association to be insolvent, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be liable to a fine not exceeding five hundred dollars, or imprisonment in jail for a period not exceeding six months, or both, in the discretion of the court.

**Fraud—Itinerant Vendors.**

1892, ch. 596.

**107 B.** The words "itinerant vendors," for the purposes of this sub title, shall be construed to mean and include all persons, both principals and agents, who engage in a temporary or transient business in this State, either in one or more places in one locality, or in travelling from place to place selling goods, wares and merchandise, and who, for the purpose of carrying on such business, hire, lease or occupy any building or structure for the exhibition and sale of such goods, wares and merchandise

Ibid.

**107 c.** The provisions of this sub-title shall not apply to sales made to dealers by commercial travellers or selling agents in the usual course of business, nor to *bona fide* sales of goods, wares and merchandise by sample for future delivery, nor to hawkers on the streets or peddlers from vehicles.

Ibid.

**107 D.** Every itinerant vendor who shall sell or expose for sale, at public or private sale, any goods, wares and merchandise with-

out State and local licenses therefor, issued as hereinafter provided, shall be guilty of a misdemeanor, and shall be punished by fine not exceeding one hundred dollars, or by imprisonment not exceeding sixty days, or by both such fine and imprisonment.

1892, ch. 596.

**107 E.** All persons, both principals and agents, who shall by circular, handbill, newspaper or in any other manner advertise any such sales as those referred to in the section last preceding, before proper licenses shall be issued to the vendor, shall be guilty of a misdemeanor, and shall be punished by fine not exceeding one hundred dollars, or imprisonment not exceeding sixty days, or by both such fine and imprisonment.

Ibid.

**107 F.** It shall be the duty of every itinerant vendor, whether principal or agents before commencing business, to take out a State license and local license in the manner hereinafter set forth, but nothing herein contained shall affect the right of any municipal corporation or board of county commissioners to pass such ordinances or orders relative to itinerant vendors as may be permissible under the general law or under their respective charters or powers.

Ibid.

**107 G.** Every itinerant vendor desiring to do business in this State, shall deposit with the clerk of the Court of Common Pleas in the city of Baltimore, or the clerks of the circuit courts in the counties, the sum of five hundred dollars as a special deposit; upon application in proper form, and the payment of a further sum of one hundred dollars as a State license fee, the said clerk shall issue to him an itinerant vendor's license, authorizing him to do business in this State in conformity with the provisions of this sub-title for the term of one year from the date thereof, or a proportional part of said sum for any fractional part of a year not less than one month, and all licenses so issued shall be made to expire on the first day of May next succeeding the date of their issues. Every license shall set forth a copy of the application upon which it is granted. Such license shall not be transferable, nor give authority to more than one person to sell

goods as an itinerant vendor, either by agent or clerk, or in any other way than in his own proper person, but any licensee may have the assistance of one or more persons in conducting his business, who shall have authority to aid that principal but not to act for or without him.

1892, ch. 596.

**107 н.** All applications for licenses shall be sworn to, shall disclose the names and residences of the owners or parties in whose interest said business is conducted, and shall be kept on file by the clerk of the court; and a record shall be kept by him of all licenses issued upon such applications. All files and records, both of the clerk of the court and of the respective clerks to the county commissioners or the clerk or officer designated to collect license fees by any incorporated town or city in this State, shall be in convenient form and open for public inspection.

Ibid.

**107 и.** Before selling under said State license, every itinerant vendor shall exhibit the same to the clerk to the county commissioners, or to the clerk or officer designated to collect license fees by any incorporated town or city in this State where he proposes to make sales. And upon payment to said clerk or officer of a further local license fee to be ascertained in the manner provided in the following section, and the proof of payment of all such other license fees, if any, as are legally chargeable upon local sales, the clerk or officer shall endorse upon it the words "Local License Fees Paid," and shall affix his official signature, together with the date of such endorsement. Any failure to obtain a local license, if any, and for proper endorsements made on the said license, shall be subjected to the same penalty as though no State license had been issued.

Ibid.

**107 к.** Any itinerant vendor, before making any sales of such goods, wares and merchandise, shall furnish to the clerk or officers designated in section 107 и, where any goods, wares and merchandise are kept or to be kept or exposed for sale or sold by him or them, a true statement of the average quantity and value

of the stock of goods, wares and merchandise so kept and exposed for sale. The person furnishing such statement shall make oath that the same is true, and said oath may be administered by said clerk or any officer qualified to administer oaths. Such clerk or officer shall thereupon ascertain the amount to be paid for the local license, by a computation based upon the average valuation of such stock of goods, wares and merchandise so kept or exposed for sale, in the ratio and of the rate per thousand dollars of valuation of the last preceding tax levy made in such city or county, and upon receipt of the amount so fixed and ascertained shall issue to the person filing or furnishing such statement a local license authorizing the sale of such goods, wares and merchandise within the limits of such county or city, which license shall be and continue in force so long as the licensee thereunder shall continuously keep and expose for sale in city or county such stock of goods, wares and merchandise, except that such license shall in any event terminate and expire on the first day of May next following its date. If the statement required by this section is not filed as aforesaid, the clerk or officer designated in section 107 i, of the city or county in which such goods are so kept or exposed for sale, or where such itinerant vendor desires to sell such goods, wares and merchandise, shall thereupon fix the sum to be paid for such license, which sum shall be binding upon the parties.

1892, ch. 596.

**107 L.** Whoever neglects or refuses to file the statement required by section 107 k, or whoever makes a false or fraudulent representation therein, shall be punished by a fine of not less than twenty dollars nor more than one hundred dollars for each and every day that such goods, wares and merchandise are kept or exposed for sale.

Ibid.

**107 M.** Whenever a person liable therefor, and after demand made by the officer or clerk whose duty it is to collect said license fees of the city or county in which he is located, refuses or neglects to pay the license fee provided for in this sub title, the said clerk or officer may, in his own name, but for the use and benefit of such city or county, maintain an action therefor in like

manner as for his own debt. Police magistrates in Baltimore city and justices of the peace in the counties, shall have concurrent jurisdiction with the circuit courts in the counties, and the Criminal Court of Baltimore of such actions, and of complaints under section 107 E.

1892, ch. 596.

**107 n.** No itinerant vendor shall advertise, represent or hold forth any sale as an insurance, bankrupt, insolvent, assignee, trustee, testator, executor, administrator, receiver, wholesale or manufacturer's, or closing out sale, or as a sale of any goods damaged by smoke, fire, water or otherwise, or in any similar form, unless he shall before so doing, state under oath, either in the original application for a State license, or in a supplementary application subsequently filed, and copy on the license all the facts relating to the reasons and character of such special sale so advertised or represented, including a statement of the names of the persons from whom the goods, wares and merchandise were obtained, the date of delivery to the person applying for the license, and the place from which said goods, wares and merchandise were last taken, and all details necessary to exactly locate and fully identify all goods, wares and merchandise to be so sold.

Ibid.

**107 o.** Any false statement in an application, either original or supplementary, for a license, and any failure on the part of any licensee to comply with all the requirements of the last preceding section shall subject said itinerant vendor to the same penalty as if he had no license.

Ibid.

**107 p.** All State licenses issued under this sub-title, shall expire on the first day of May next succeeding the date of their issue, and may be, if so desired, surrendered at any time prior thereto for cancellation.

Ibid.

**107 q.** Upon the expiration and return or surrender of each State license, the respective clerks of the courts aforesaid shall

cancel the same, endorse the date of delivery and cancellation thereon, and place the same on file. He shall then hold the special deposit of such licensee hereinbefore mentioned for the period of sixty days, and after satisfying any and all claims made upon the same under the section next following, shall return said deposit, or such portion of the same, if any, as may remain in his hands, to the licensee depositing it.

1892, ch. 596.

**107 R.** Each deposit made with the respective clerks of the courts aforesaid shall be subject, so long as it remains in his hands, to attachment and execution in behalf of creditors whose claims arise in connection with business done in the State, and the respective clerks of the courts aforesaid may be held to answer as garnishee, in any civil action in contract or tort brought against any licensee and he shall pay over under order of court, or upon execution, such sum of money as he may be chargeable with upon his answer or otherwise, after deducting reasonable counsel fees and costs. Said deposit shall also be subject to the payment of any and all fines and penalties incurred by the licensee through violations of the several sections of this sub-title, and the clerk of the court in which, or the trial justice by whom, such fine or penalty is imposed, shall thereupon notify the respective clerks of the courts aforesaid, of the name of the licensee against whom such fine or penalty is adjudged and the amount of such fine or penalty, and the clerk of the court, if he has in his hands a sufficient sum deposited by such licensee, shall pay the sum so specified to said clerk or trial justice, and if the clerk shall not have a sufficient sum so deposited, he shall make payment as aforesaid of so much as he has in his hands. All claims upon the deposit shall be satisfied after judgment, fine or penalty in the order in which notice of the claim is received by the respective clerks of the courts aforesaid, until all such claims are satisfied or the deposit exhausted, but no notices filed after the expiration of the sixty days' limit aforesaid shall be valid. No deposits shall be paid over by the respective clerks of the courts aforesaid to licensees so long as there are any outstanding claims or notices of claims against them, respectively, unless the clerk is satisfied that such claims will not be prosecuted to final judgment, or that no fine or penalty will be imposed.

1892, ch. 596.

**107 s.** It shall be the duty of the respective sheriffs, constables, police or prosecuting officers in each county and city in this State, to see that the provisions of the several sections of this subtitle are complied with, and to prosecute for violations of the same. All such officers shall have power to demand the production of the proper State and local license from any itinerant vendor advertising or actually engaged in business, and any failure to produce such license shall be *prima facie* evidence against such vendor that he has none.

#### **Fraud—Mortgagors of Personal Property.**

1894, ch. 815.

**111.** Any mortgagor of personal property in possession of the same, or any purchaser of personal property under an unrecorded, conditional, written contract, in possession of said property, or any execution debtor in possession of personal property levied on and taken in execution, who, in the case of mortgaged personal property, without the consent of the mortgagee or his assigns, first had and obtained in writing, or who, in the case of the purchaser of personal property under an unrecorded, conditional, written contract, without the consent first had and obtained in writing of the conditional vendor in said contract, or his assigns, or who, in the case of personal property levied on and taken in execution, without the consent of the execution creditor, his assigns or lawfully authorized agents, first had and obtained in writing, and with intent to defraud the mortgagee or his assigns, and to defeat his or their lien under said mortgage, or with intent to defraud the said conditional vendor of personal property in an unrecorded, conditional, written contract, or his assigns, or with intent to defraud the execution creditor or his assigns, and defeat his or their lien under said execution, shall remove any of the personal property so mortgaged or purchased under said unrecorded, conditional, written contract, or levied on and taken in execution as aforesaid, as the case may be, beyond the limits of the city or county where it was located when so mortgaged or purchased under said unrecorded, conditional, written contract, or levied on and taken in execution, or who, with intent as aforesaid, removes, secretes, hypothecates, destroys or sells the same,

shall be deemed guilty of a misdemeanor, and on indictment therefor and conviction thereof shall be imprisoned in the city or county jail not more than six months, or shall be fined not more than five hundred dollars, or both, in the discretion of the court; but nothing herein contained shall be construed to relieve the sheriff or other officer holding said execution from his responsibility to the execution creditor for the safe keeping of any personal property by him levied on and taken in execution as aforesaid.

Hooper v. Vernon, 74 Md. 143.

**Fraud—Red Clover Seed—Sales of.**

1898, ch. 864.

**117 A.** Every person who shall sell, or offer or expose for sale red clover seed, with which there has been mixed in any way what is commonly known as "yellow trefoil seed," shall prominently, distinctly and durably stamp, brand or stencil upon the top or tops, side or sides, and bottom or bottoms of each and every box, bag or package of such article or substance, the words, containing yellow trefoil seed, in plain roman letters, not less than half an inch square, placed horizontally in proper order, thus—"Containing Yellow Trefoil Seed," so as to be conspicuous in any position in which the package or packages may be placed, and every sale of any such mixture of red clover and yellow trefoil seeds, whatever name may be given or applied to it, either wholesale or retail, not so stamped, branded, stenciled, marked or labeled, shall be void, and no action or actions shall be maintained for the price thereof.

*Ibid.*

**117 B.** Any person or persons who shall neglect or refuse to comply with any of the provisions of section 117 A, and every person or persons who shall render illegible, conceal or hide in any manner the inscription to be stamped, branded or stenciled, as hereinbefore provided, shall be deemed guilty of a misdemeanor, and shall be imprisoned in the jail of the city or county in which such illegal act was done, not less than five nor more than thirty days, in the discretion of the court, and shall be fined fifty dollars for the first offense, and shall be imprisoned, as

aforesaid, not less than sixty days nor more than ninety days, and be fined one hundred dollars for the second offense, one-half of the fine imposed upon any case to go to the informer; and on the trial of any one for violating the provisions of said section, proof of the sale, or offer to sell, or exposure for sale, of the said mixture, shall be presumptive evidence of knowledge of the character of the article so sold, or offered, or exposed.

1898, ch. 864.

**117 c.** All red clover seed mixed with yellow trefoil seed, sold in the city of Baltimore, or in any county of this State, shall be in conformity with section 117 A, and any person selling, or offering, or exposing red clover seed mixed with yellow trefoil seed for sale, not in accordance with said section, shall forfeit the same, and it shall be seized and taken by the sheriff of the city of Baltimore or the constables of any county, and sold, for the use of the public school fund in the city or county where such seizure was made.

**Fraud—Stallions—By Owners or Agents of.**

1892, ch. 419.

**118 A.** Every owner or agent who may have the custody or control of any stallion, who shall charge a fee for the services of such stallion, shall, before advertising or offering such service to the public for any fee, reward or compensation, file with the clerk of the circuit court for the county in which such owner or owners, agent or agents reside, or in which such stallion shall be kept for service, or if such service shall be offered in the city of Baltimore, then with the Clerk of the Court of Common Pleas, a written statement giving the name, age, pedigree and record, if known, and if not known then that the same is unknown, the description, terms and conditions upon which such stallion will serve. Upon filing such statement, the clerk of the circuit court for the county, or for the Court of Common Pleas of Baltimore, as the case may be, shall issue a certificate or license to the owner or owners, agent or agents having the custody and control of such stallion, that such a statement has been filed in his office; the owners, or agent or agents of the owners of such stallion, shall then post a written or printed copy

of the statement so filed with such clerk, in a conspicuous place in each locality in which said stallion shall be kept for service.

1892, ch. 419.

**118 B.** Every owner or agent who shall proclaim or publish a false or fraudulent pedigree or record, or statement of any kind regarding any stallion, or who shall neglect or refuse to comply with the provisions of section 118 A shall forfeit all fees for the services of such stallion, and the person or persons who may be deceived or defrauded by such false or fraudulent pedigree or record or statement may sue and recover in any court of competent jurisdiction such damages as may be shown to have been sustained by reason of such false and fraudulent representation.

Ibid.

**118 c.** Whenever the owner or agent of an owner or owners of any stallion shall have complied with the provisions of section 118 A, the services of such stallion shall become a lien on each mare served, together with the foal of such mare resulting from such service for an amount agreed upon between the parties at the time of service, or in the event of no such agreement having been entered into between them, then in such an amount as specified for service fee of such stallion or stallions in the statement hereinbefore required to be filed with the clerks of said respective courts; provided, that a notice of such lien shall be filed within six months after such service, which lien shall terminate at the end of one year from the date of filing notice thereof, unless within that time an action shall be commenced for the enforcement thereof.

Ibid.

**118 d.** It is hereby made unlawful for any person or persons knowingly to enter or cause to be entered for competition, or to compete for any purse, prize, premium, stake or sweepstake offered or given by any agricultural or other society, association or person or persons in the State of Maryland, any horse, mare or gelding, colt or filly under an assumed name, or out of its proper class when such prize, purse, premium, stake or sweepstake is to be decided by a contest in trotting races.

1892, ch. 419.

**118 E.** Any person or persons found guilty of a violation of section 118 D shall, upon conviction thereof, be imprisoned in the penitentiary for not less than one year nor more than three years, or imprisoned in the jail of the county or the city of Baltimore, as the case may be, in which the offense was committed, for any definite period, not less than six months, and shall be fined in any sum not exceeding one thousand dollars.

#### **Fraud—Upon Turnpikes.**

1890, ch. 442.

**118 F.** If any person or persons shall, with intent to defraud any turnpike or other company authorized by law to receive tolls for use of its roads, pass through any private gate or bars, or along any grounds near said road, to avoid any tollgate and escape payment of tolls, or shall practice any fraudulent means to lessen and avoid the payment of any just tolls, or shall refuse to pay tolls he is bound by law to pay, each and every such person shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one nor more than twenty-five dollars, and upon failure to pay said fine shall be imprisoned not more than five days; provided, however, that nothing herein contained shall prohibit persons from passing upon any turnpike or toll road from one point to another between the gates upon said pike or road, nor shall prohibit persons owning lands adjacent to any tollgate from using or crossing the same for their own private purpose.

#### **Fraud—Warehouse, Storage and Elevator Receipts.**

1890, ch. 223.

**119 A.** If any person entrusted with any money, drafts or checks, as advances against any grain or other merchandise purchased and stored in any elevator in the city of Baltimore or elsewhere, and for which certificates or receipts have been turned into such elevator, or delivered to the parties with whom the same is stored, to be shipped or transported from the city of Baltimore to the purchaser of said grain or other merchandise, shall for his own benefit and in violation of good faith neglect or refuse to deliver to the party so entrusting him with said money

drafts or checks, the draft or bills of exchange, with the documents for the shipment of the said cargo of grain or other merchandise, and the policies of insurance upon said grain or other merchandise, as soon as the shipment is completed and bills of lading delivered therefor, every such offender shall be guilty of a misdemeanor, and being convicted thereof shall be imprisoned in the penitentiary not more than ten years nor less than one year, or be fined not more than five thousand dollars or less than five hundred, or shall be both fined and imprisoned as aforesaid,

in the discretion of the court.

*added*  
*to 121*  
*existing*  
*cases*  
*added*  
*to 119*  
*C. D. E. F. G. H. I. J. K.*  
*(added)*

"*Fraud-Sterling Robinson*". 1900 ch. 398,  
**Gaming.**

1890, ch. 206. 1894, ch. 232. 1898, ch. 285.

**124 A.** It shall not be lawful for any person or persons, or association of persons, or for any corporation within the State of Maryland, to bet, wage or gamble in any manner, or by any means, or to make or sell a book or pool on the result of any trotting, pacing or running race of horses or other beasts, or race, contest or contingency of any kind, or to establish, keep, rent, use or occupy, or knowingly suffer to be used, kept or rented or occupied, any house, building, vessel, grounds or place, or portion of any house, building, vessel, grounds or place, on land or water, within the State of Maryland, for the purpose of betting, wagering or gambling in any manner, or by any means, or making, selling or buying books or pools therein or thereon upon the result of any race or contest or contingency, or by any means or devices whatsoever, to receive, become the depository of, record or register, or forward or purpose, or agree or pretend to forward, any money, bet, wager, thing or consideration of value, to be bet, gambled or wagered in any manner, or by any means or device whatsoever, upon the result of any race, contest or contingency, and any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not less than two hundred dollars nor more than one thousand dollars, one-half of said fine to go to the informer, and shall be subject to imprisonment in jail for not less than six months nor more than one year, or be both fined and imprisoned, in the discretion of the court.

*Stearns v. State*, 81 Md. 344. *State v. Dycer*, 85 Md. 250.

1898, ch. 285.

**124 b.** Nothing in the next preceding section shall render it unlawful in any county of this State, other than Baltimore city, for any person or persons to make a pool or a book, or to bet within the ground of any agricultural association, race course or driving park, upon the result of any trotting, pacing or running race of horses which shall be held within the same grounds, race course or driving park upon which said person shall so make a pool or book, or shall so bet upon the same day on which said race shall be held; provided, the grounds of such agricultural association, race course or driving park be licensed in the manner set forth in the next succeeding section by the circuit court for the county within which such grounds or track may be located.

Ibid.

**124 c.** Every person applying for a license as required by the next preceding section, shall file with the circuit court of the county within which the grounds of such agricultural association, race course or driving park may be located, his petition for such a license, and before granting the said license the said court shall cause notification of said petition to be published, at the cost of the applicant, at least once a week for three successive weeks, in a newspaper published in the county in which the grounds aforesaid may be located.

Ibid.

**124 d.** The said petition shall contain the name or names of the applicant or applicants; second, the name of the grounds upon which the license is desired; third, a definite description of the place where such grounds are located; fourth, a day or days for which such license is desired, and there shall be annexed to this petition a certificate signed by at least twenty-five respectable qualified voters of the election district of the county in which such grounds may be located, praying the court to grant the said license.

Ibid.

**124 e.** In such license the name of the grounds, track or park shall be stated, and the number of days in which, and the month thereof, during which betting, pool selling or bookmaking shall

1902  
ch. 572  
1904  
ch. 583

be permitted, shall be specified, and the said court shall not grant in the aggregate, licenses for more than thirty days in any year, nor more than fifteen days in any one month in any county of this State, nor for any days whatsoever, during the months of December, January, February and March; provided, that the Circuit Court for Baltimore county may grant licenses for not exceeding forty days in any one year. For every license so granted, there shall be paid the clerk of the court granting such license the sum of five dollars for every day for which such license shall be granted. The said sum shall go to the Board of County School Commissioners, in which such court may be located, for the use of the public schools thereof; provided, however, that the provisions of sections 124 A—124 E shall not apply to Cecil, Washington and Anne Arundel counties.

1898, ch. 285.

**124 F.** Pending criminal proceedings shall not be affected by the five preceding sections.

#### **Graveyard Desecration.**

1898, ch. 178.

**135.** Any person or persons, his or their aiders or abettors, who shall wilfully destroy, mutilate, deface, injure or remove any tomb, monument, gravestone or other structure placed in any cemetery, or any building, wall, fence, railing or other work, for the use, protection or ornament of any public or private cemetery in this State, or shall wilfully destroy, cut, break or remove any tree, plant or shrub within its limits, or who shall shoot or discharge any firearms within said limits, or who shall be guilty of indecent or disorderly conduct within said limits, shall be guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction, or before any justice of the peace of this State, shall be punished by fine not less than five dollars nor more than five hundred dollars, or imprisonment in the county jail, or in the Maryland House of Correction, for not less than thirty days nor more than two years, or both such fine and imprisonment in the discretion of said justice or court, according to the gravity of the offense. Any justice of the peace in this State, except civil magistrates in the city of Baltimore, shall have jurisdiction under this section.

**Gunning.**

1892, ch. 655.

1900  
Ch. 419. **136.** Every person who shall, upon any pretense whatever, come to hunt with gun or dog upon the lands of another, without leave or license from the owner or possessor thereof first had and obtained, shall, for every such offense, forfeit and pay to the party aggrieved the sum of five dollars, to be recovered before a justice of the peace in the name of the State: and in default of payment of fine, shall be committed to the county jail for not more than twenty days, nor less than one day; this section not to apply to Dorchester, Harford and Talbot counties.

**Health—Deleterious Candy, Adulteration of.**

1890, ch. 317.

**138 A.** If any person or corporation shall use terra alba, or any poisonous or injurious drug or narcotic in the manufacture or coloring of any candy or lozenges in this State, or of any trader shall knowingly sell any candy or lozenges manufactured either in or out of this State, knowing the same to contain terra alba, or any poisonous or injurious drug or narcotic, or to be colored with any poisonous or injurious drug or narcotic, or with any poisonous substance, he, or if a corporation, it and all its agents who shall knowingly violate any of the provisions of this section, shall be deemed guilty of a misdemeanor, and upon indictment and conviction, shall be fined not less than fifty dollars, nor more than five hundred dollars for the first offense; and not less than five hundred dollars, nor more than one thousand dollars for the second offense, one-half of said fine to be paid to the informer.

Ibid.

**138 B.** If any person shall be injured by the use of any such adulterated or poisonous candy or lozenges, he shall be entitled to recover in an action to be brought in any court of competent jurisdiction, not less than fifty dollars as liquidated damages, and such other and further actual damages as he may prove.

138E-1900 Ch. 532.  
**Health—Hours of Labor of Children.**

1892, ch. 443.

**139.** No child under sixteen years of age shall be employed in laboring more than ten hours a day in any manufacturing

business or factory established in any part of the State, or in any mercantile business in the city of Baltimore.

1892, ch. 448.

**140.** Any person who shall so employ a child or suffer or permit such employment is guilty of a misdemeanor.

Ibid.

**141.** The word "suffer or permit," includes every act or omission, whereby it becomes possible for the child to engage in such labor.

#### **Health—Infants.**

1894, ch. 511.

**144 A.** If at any time within two weeks after the birth of any infant, one or both of its eyes, or the eyelids, be reddened, inflamed, swollen or discharging pus, the mid-wife, nurse or person other than a legally qualified physician, in charge of such infant, shall refrain from the application of any remedy for the same, and shall immediately report such condition to the health commissioner or to some legally qualified physician in the city, county or town wherein the infant is cared for. Any person or persons violating the provisions of this section shall, on conviction, be punished by a fine not to exceed one hundred dollars, or by imprisonment in jail not to exceed six months, or by both fine and imprisonment.

#### **Health—Sale of Cigars and Tobacco to Minors.**

1890, ch. 496.

**145.** It shall not be lawful for any dealer, vendor or other person or persons or body corporate engaged in the manufacture of cigars, cigarettes or tobacco, or in any occupation in which the buying or selling of said goods, wares and merchandise shall constitute the whole or any part of his, her, its or their occupation, to sell, barter or give any cigar or cigars, cigarette or cigarettes, smoking or chewing tobacco to any minor under the age of fifteen years, unless previously authorized in writing by the parent or guardian of such minor, or unless such minor is acting solely as the agent of his employer; nor shall it be lawful for any person not a dealer, to purchase for any minor any cigar or cigars, cigarette or cigarettes, smoking or chewing tobacco.

1890, ch. 496.

**146.** Any person or persons or body corporate being a manufacturer, dealer, vendor as aforesaid, or any other person or persons or body corporate violating the provisions of the preceding section, shall upon conviction thereof in any court of competent jurisdiction, be fined in a sum of not less than ten dollars nor more than one hundred dollars for each and every offense, or imprisoned in jail for not less than five nor more than thirty days in default of payment of said fine.

**Health—Salesladies, Chairs for.**

1896, ch. 147.

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287. **147 A.** All proprietors or owners of any retail, jobbing or wholesale dry goods store, notions, millinery or any other business where any female help are employed for the purpose of serving the public in the capacity of clerks or salesladies, shall provide a chair or stool for each one of such female help or clerks, in order that during such period as they are not actively engaged in making sales or taking stock they may have an opportunity to rest. Any such owner or proprietor who shall neglect to obey the provisions of this section, shall be considered to have committed a misdemeanor, and shall, upon conviction thereof, be fined in an amount not less than ten dollars, and not exceeding one hundred dollars for the first offense; and in the event said owner or proprietor shall continue to disobey the provisions of this section, he shall be subjected to a fine at the rate of one dollar a day, daily, for every chair he fails to so furnish his said employees.

**Health—Schools.**

1894, ch. 524.

**147 B.** Boards of school commissioners in every city and county of the State shall provide suitable and convenient water closets or outhouses for each of the schools under their official jurisdiction, not less than two for each school or building, when both sexes are in attendance in their respective school districts, with separate means of access for each; and unless placed at a remote distance, one from the other, the approaches or walks thereto shall be separated by a substantial close fence, not less than seven feet high; and it shall be the duty of the said com-

missioners to make provisions for keeping the said water closets or outhouses in clean, comfortable and healthful condition.

1894, ch. 524.

**147 c.** Any failure on the part of the said public school commissioners to comply with the provisions of section 147B shall make them liable to be removed from office by any court of competent jurisdiction either in the city of Baltimore or in any county where the schools may be located, upon complaint made to the court under oath or affirmation of not less than five taxable citizens, resident in the said school district in which the school complained of is located; provided, nothing in this and the next preceding section shall affect the counties of Caroline, Kent, Dorchester, Somerset, Baltimore, Worcester, Howard, Prince George's and Frederick.

*149 A-B, "Calves," 1900 ch. 672.*

**Health-Workshops and Factories-Sweating System.**

1894, ch. 302. 1896, ch. 467.

**149 A.** If any individual or body corporate engaged in the manufacture or sale of clothing or of any other article whereby disease may be transmitted, shall, with reasonable means of knowledge, by purchase, contract or otherwise, directly or indirectly, cause or permit any garments, or such other articles as aforesaid, to be manufactured or made up, in whole or in part, or any work to be done thereupon within this State, and in a place or under circumstances involving danger to the public health, such individual or corporation, upon conviction in any court of competent jurisdiction, shall be fined not less than ten dollars nor more than one hundred dollars for each garment manufactured, made up or worked upon.

1894, ch. 302.

**149 B.** If any individual or the officer of any corporation shall so as aforesaid cause or permit any garment or other articles in the next preceding section mentioned to be manufactured, made up or worked upon in a place or under circumstances involving danger to the public health, with the knowledge that it will or may be thus dealt with, he shall, upon conviction in any court of competent jurisdiction, be imprisoned not less than sixty days nor more than one year, and may be further fined not exceeding one thousand dollars, in the discretion of the court.

1894, ch. 302.

**149 c.** Any room or apartment which shall not contain at least 400 cubic feet of clear space for each person habitually laboring in or occupying the same, or wherein the thermometer shall habitually stand, during the hours of labor, at or above 80 degrees Fahrenheit, before the first day of May or after the first day of October of any year, or wherein any person suffering from a contagious, infectious or otherwise dangerous disease or malady, shall sleep, labor or remain, or wherein, if of less superficial area than 500 square feet, any artificial light shall be habitually used between the hours of 8 A. M. and 4 P. M., or from which the debris of manufacture and all other dirt or rubbish shall not be removed at least once in every twenty-four hours, or which shall be pronounced ill-ventilated or otherwise unhealthy by any officer or board having legal authority so to do, shall be deemed a place involving danger to the public health, as mentioned in the next two preceding sections of this article.

Ibid.

**149 d.** If any association or society, whether incorporated or unincorporated, shall furnish, through its officers or agents, evidence sufficient to secure the conviction of any person criminally prosecuted under the three next preceding sections of this article, the said association or society shall receive one-half of any fine which may be imposed upon such person so convicted with its assistance, such fines to be paid to the treasurer or other officer, with corresponding powers of the said society or association.

*14988-77-82, 4 H.N. Added 1902 ch. 101.*

#### Heating Steam Passenger Cars.

1890, ch. 377. 1892, ch. 539. 1894, ch. 10.

**150 A.** The date fixed by the act of March, 1888, chapter four hundred and seven, after which it should be no longer lawful for any steam railroad company to heat passenger cars with stoves, is hereby extended to the first day of July, eighteen hundred and ninety-four.

1894, ch. 269.

**150 B.** The board of public works may, when it is shown to their satisfaction by any railroad company that it is impracticable for such railroad company to equip all of its cars with heating

apparatus other than stoves, within the time required by law, prescribe what number of cars of such railroad company shall be equipped with improved heating apparatus by such company in each year.

1894, ch. 246. 1896, ch. 99.

**150 c.** The provisions and requirements of section 150 of this Article shall not apply to passenger cars while the same are in use as a freight or mixed train; provided that no such mixed trains shall include more than two passenger coaches; that is to say, where passenger cars are attached to freight cars, and together make up a train.

**Larceny—Corn and Willows, Melons, Fruits, Vegetables.**

1892, ch. 678.

**160.** The taking and carrying away by any person of corn from the stalk of the quantity of a peck or more, or the taking and carrying away willows from the stump of the weight of five pounds or more, or the taking and carrying away of melons from the vine, fruits from the trees or roots and vegetables from the soil, with a malicious intent to convert the same to his own use shall be deemed a misdemeanor, and any person guilty of the same shall upon conviction be fined not more than fifty dollars, or be sentenced to imprisonment in the house of correction for not more than twelve months, or both fined and imprisoned in the discretion of the court.

**Larceny—Goods, Wares and Merchandise Entrusted to be Manufactured.**

1894, ch. 598.

**162.** Any person who shall be entrusted with any goods, wares, materials or merchandise, or who shall receive or obtain such goods, materials or other property from the owner thereof, for the purpose of manufacturing, working up or converting the same into garments, wearing apparel or other articles of merchandise, or of altering the same or completing the manufacture thereof, after the same may have been returned to the said owner in an unsatisfactory condition, and shall after receiving the same, fraudulently sell, pawn, pledge or in any other manner dispose of said goods or the product thereof, or convert the same to his own

use, or fail or refuse to deliver the same to the said owner after an offer on the part of said owner to pay to said person the full amount due to said person for his services in reference to said manufacture or alteration, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any tribunal of competent jurisdiction, shall be fined not more than fifty dollars, or be sentenced to imprisonment in the house of correction for not more than six months, or both fined and imprisoned, in the discretion of the court.

#### **Larceny—Horses.**

1892, ch. 88.

**165.** Any person or persons, their aiders or abettors, who shall enter, or being upon the premises of any other person, body corporate or politic in the State, shall, against the will and consent of said person or persons, body corporate or politic, or their agents, wilfully take and carry away any horse, mare, colt, gelding, mule, ass, sheep, hog, ox or cow, or any carriage, wagon, buggy, cart, or any other vehicle or property whatsoever, or take and carry away out of the custody or use of any person or persons, body corporate or politic, or their agents, any of the above enumerated property at whatsoever place the same may be found, shall upon conviction thereof in any of the courts of this State having criminal jurisdiction be adjudged guilty of a misdemeanor, and shall restore the property so taken and carried away, or if unable so to do, shall pay to the owner or owners the full value thereof, and be fined not less than fifty nor more than one hundred dollars, or be imprisoned in the county or city jail or the penitentiary, or the Maryland House of Correction, for not less than six months nor more than four years, or be both fined and imprisoned as aforesaid, in the discretion of the court, although it may appear from the evidence that such person or persons, their aiders and abettors took and carried away the property or any portion of the same enumerated in this section, for their or his present use, and not with the intent of appropriating or converting the same; provided, that nothing contained in this section shall apply to cases pending, nor to violations of the law which have heretofore occurred, but all such cases and violations shall be prosecuted as if the law hereby repealed was still in force.

**Lotteries.**

1894, ch. 310.

**176.** If any person shall keep any house, office or other place for the purpose of selling or bartering any lottery ticket, policy, certificate or any other thing by which the vendor or other person promises or guarantees that any particular number, character, ticket or certificate shall, in any event or on the happening of any contingency in the nature of a lottery, entitle the purchaser or holder to receive money, property or evidence of debt, he shall be subject to indictment, and upon conviction, he shall, in the discretion of the court, be fined a sum not exceeding one thousand dollars, or imprisoned for a period not exceeding one year, or he may be both fined and imprisoned.

*Bullock v. State*, 78 Md. 2. *Sanner v. Gisriel*, 85 Md. 525.

*Ibid.*

**177.** The owner of any house or office who shall permit the same to be used as a place for selling lottery tickets, or any of the things in the nature thereof, mentioned in the preceding section, shall be liable to indictment, and upon conviction, shall be, in the discretion of the court, fined a sum not exceeding one thousand dollars, or shall be imprisoned for a period not exceeding one year, or shall be both fined and imprisoned; and any person who shall know that his house or office is used for such purpose, shall be considered as permitting the same.

*Ibid.*

**178.** If any person shall bring into this State any lottery ticket, policy, certificate or anything by which the vendor or other person promises or guarantees that any particular number, character, ticket or certificate shall in any event, or on the happening of any contingency in the nature of a lottery, entitle the purchaser or holder to receive money, property or evidence of debt, or if any person shall have in his possession in this State, any book, list, slip or record of the numbers drawn in any lottery, whether in this State or elsewhere, or any book, list, slip or record of any lottery ticket, or anything in the nature thereof, mentioned in this section, or of any money received or to be received from, or for the sale of any such lottery ticket or thing in the nature thereof as aforesaid, shall be liable to indictment,

and upon conviction shall be, in the discretion of the court, fined any sum not exceeding one thousand dollars, or shall be imprisoned for a period not exceeding one year, or shall be both fined and imprisoned; provided, however, that this section shall not apply to any person who may have possession of any of the articles herein mentioned, for the purpose of procuring or furnishing evidence of violations of any of the provisions of law relating to lotteries. The provisions of sections 176, 177 and 178 shall not apply to or affect any civil or criminal proceedings actually pending upon the date of their enactment, to wit, April 6, 1894.

Ford v. State, 85 Md. 474.

#### **Mineral Waters, Porter and Other Beverages.**

1892, ch. 262.

**201.** All persons, partnerships and bodies corporate, being manufacturers, bottlers or dealers in mineral waters, beer, porter or any other beverages whatever, who may own and use kegs, boxes, bottled beer crates, founts, bottles, jugs or any other vessels adapted to contain liquids, upon which shall appear the name or names of the said owner or owners thereof impressed, stamped, stencilled, engraved, cut or in any other manner fixed thereon, may file with the clerk of the Superior Court of Baltimore city, should the business of any such person or persons, partnerships or corporation be conducted within the limits of said city, or in any one of the several counties of the State, then with the clerk of the circuit court for such county, a paper writing containing a description of such kegs, boxes, founts, bottles, beer bottle crates, jugs or other vessels aforesaid, together with the name or names of the owner or owners of the same, placed or fixed on the same in any of the modes hereinbefore mentioned, which said paper writing shall be signed by the said owner, or, if there be more than one owner, by at least one of them or by the president or other officer of any such corporate owner, and shall be acknowledged by the person signing the same as his act, before any person competent to take acknowledgments of deeds; and said owner or owners shall then publish a copy of said paper writing, certified as such by the clerk of the court with whom the same has been filed, if the said business is conducted in the

city of Baltimore, twice a week for two successive weeks, in some daily newspaper published in said city, and if the said business is conducted in any county, then in some newspaper published in said county, once a week for two successive weeks.

1893, ch. 262.

**202.** The said several clerks mentioned in the preceding section shall record in some book of record in their custody, respectively, all such paper writings filed with them, and also copies of the said advertisements in the newspapers, certified to by the publishers of said newspapers in which the same have been published; and said respective clerks shall furnish copies thereof, duly certified by them in the usual manner, to any person who may apply therefor, and shall receive for such recording and for such copies the fees paid with respect to bills of sale; and a certified copy of the said paper writing and of the said advertisement, and the said certificate of the said publishers of the said newspapers, when certified to under the hand of the clerk with whom the same are of record, with the seal of his office attached, shall be evidence that the provisions of the preceding section have been complied with, and of the title of the owner or owners named therein, to the said kegs, boxes, bottled beer crates, founts, bottles, jugs or other said vessels upon which the name or names of such owner or owners may appear, as described in said paper writing.

Ibid.

**203.** It shall be unlawful for any person or persons, co-partnership or body corporate hereafter, except with the consent in writing of the owner or owners thereof, to fill with mineral water, beer, porter or other beverages any such founts, bottles, jugs, kegs or other vessels adapted to contain liquids mentioned in section two hundred and one, or to sell, dispose of, keep for sale or hire, or otherwise trade or traffic in any such boxes, bottled beer crates, founts, bottles, jugs, kegs or other said vessels mentioned in section two hundred and one, or otherwise use the said founts, bottles, jugs, kegs or other said vessels, except for the consumption of said mineral water, beer, porter, or other beverages placed therein by the owner, if the name or

names of the owner or owners thereof shall appear thereon by being impressed, stamped, engraved, cut, stencilled or in any manner affixed or placed thereon, and if the owner or owners thereof shall have complied with and done the acts mentioned in section two hundred and one of this article, unless the same shall have been purchased from the owner or owners thereof, and not from any person claiming to be an agent or employe of the owner; and it shall be unlawful for any person wilfully to mar, erase or destroy the name or names, mark or marks on, or wilfully to break, destroy or otherwise injure any of the articles mentioned in this section; and any person or persons who shall do any of the acts forbidden by this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined, for each of said offenses relating to said founts, the sum of forty dollars (\$40) for each separate fount with regard to which the offense shall have been committed; for each and every bottle or box, with respect to which the offense shall have been committed, the sum of fifty cents; and for each and every jug, keg, or other vessel or bottled beer crate, with respect to which the offense shall have been committed, the sum of three dollars.

1892, ch. 262.

**204.** If any person shall be found to be in possession of any one or more of the several articles mentioned in section two hundred and one of this article, and the person or persons or body corporate, the name or names of whom have been placed thereon by any of the methods mentioned in said section, have complied with its provisions, and the person so found to be in possession thereof, shall be charged with any of the offenses mentioned in the preceding section, then such possession shall be *prima facie* evidence that he has been guilty of said offense.

Ibid.

**205.** If the owner or owners of any such fount, bottle, jug, keg, or other vessel, bottled beer crate or box, mentioned in section two hundred and one of this article, who has or have complied with the provisions of said section, or his, her, its or their officer, agent or employe shall make an affidavit before any justice of the peace, and sign the same, asserting that he, she or they has or have reason to believe and does or do believe that any person or

persons or body corporate is or are making use of any one or more such fount, bottle, keg, jug, vessel, bottled beer crate, or box belonging to said owner or owners, for any of the purposes declared to be unlawful by section two hundred and three of this article, or has the same in possession on premises occupied, used or controlled by such person or persons or body corporate, for any of the purposes so declared to be unlawful, the said justice of the peace may issue his search warrant to any officer of the law to whom such warrant may properly be directed, and cause the premises designated in the warrant to be searched, as in other cases in which search warrants are issued in accordance with law, and if any one or more of such kegs, founts, bottles, jugs, vessels, bottled beer crates, or boxes, shall be found in, upon or about the premises so designated, the officer executing the said search warrant shall thereupon report the same under his oath to the said justice of the peace, who shall thereupon, upon said report, and upon the oath of any person or persons charging any violation of the provisions of section two hundred and three of this article, issue his warrant for the arrest of the said person or persons against whom such charge or charges shall be made and cause him or them to be brought before him for trial.

1892, ch. 262.

**206.** The several justices of the peace in the respective counties of this State shall have concurrent jurisdiction with the circuit courts for their respective counties, and the justices of the peace selected to sit at the respective station houses in the city of Baltimore shall have concurrent jurisdiction with the Criminal Court of Baltimore in the case of persons arrested for the violation of the provisions of section two hundred and three of this article, and such respective justices shall proceed to hear and determine such cases when the parties arrested upon charges of said violation are brought before them, respectively, and to acquit such persons or to sentence such persons for the offenses if convicted thereof, unless such respective persons so charged, when so brought before said justices of the peace, respectively, and before they are respectively tried as aforesaid, shall pray jury trial. If any person charged with the commission of any one or more of the several offenses mentioned in section two hundred

and three of this article, brought before any justice of the peace, shall pray a jury trial as aforesaid, it shall be the duty of said justice of the peace to commit such person for trial or to hold him to bail to appear before the Criminal Court of Baltimore or the circuit court for the county, as the case may be, and to return the commitment or the recognizance in such case immediately to the clerk of said court.

**Minors—Employment on the Streets.**

*208A.-1900A.334.* 1890, ch. 6.

**209 A.** No person engaged in performing upon any musical instrument in, upon or near to any street, lane, alley or highway, or engaged in selling, vending or disposing of any goods, wares or merchandise in, upon or near to any street, lane, alley or highway, or engaged in any business, occupation or calling in, upon or near to any street, lane, alley or highway, and not having a fixed store, shop or place of business at which so engaged, shall have in his possession or company while so engaged, any boy or girl under the age of eight years; and any person violating the provisions of this section shall be punished by a fine not exceeding ten dollars for each and every such offense.

**Minors—Obtaining Liquor Under False Statement of Age.**

1890, ch. 470.

**209 B.** Any person under the age of twenty-one years who knowingly and wilfully makes any misrepresentation or false statement as to his age, and by reason of such misrepresentation or false statement obtains any spirituous or fermented liquors from any other person licensed to sell such spirituous or fermented liquors under the laws of this State, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one dollar nor more than twenty dollars, or imprisoned in jail for not less than five days nor more than thirty days, or both fined and imprisoned in the discretion of the court; provided, that the testimony given by any minor or person under twenty-one years of age in the prosecution of any person for selling liquor to minors under the laws of this State shall not be used against such minor in prosecution under this section.

1890, ch. 470.

**209 c.** Any person who obtains any spirituous or fermented liquors from any other person licensed to sell the same for any minor or person under twenty-one years of age, knowing him to be such, to be drunk by said minor or person under twenty-one years of age, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty dollars nor more than fifty dollars, or imprisoned in jail for not less than thirty days nor more than ninety days, or both fined and imprisoned in the discretion of the court.

**Minors—Convict.**

1892, ch. 311.

**209 d.** Minors under the age of sixteen years upon conviction of any offense punishable by imprisonment may, in the discretion of the court or justice of the peace, instead of imprisonment in the place provided for in case of offenders generally, be sentenced to imprisonment in any house of refuge or other like institution within the State under police regulation; provided, the term of imprisonment does not extend beyond minority, and all existing laws in relation to the sentences of convict minors are hereby repealed.

**Obscene Publications.**

1894, ch. 271.

**220.** If any person shall bring or cause to be brought into this State for sale or exhibition, or shall sell, lend, give away or offer to give away, or show or have in his or her possession with intent to sell or give away, or to exhibit, show, advertise or otherwise offer, for, loan, gift, sale or distribution, any lewd, obscene or indecent book, magazine, pamphlet, newspaper, story paper, writing paper, picture, card, drawing or photograph, or any article or instrument of indecent or immoral use, or shall design, copy, draw, photograph, print, utter, publish or prepare such book, picture, card, drawing, paper or other article, or shall write or print or cause to be written or printed, any circular, advertisement or notice of any kind, or giving information orally, stating, when, where, how or of whom, or by what means, such a lewd, indecent or obscene article or thing, can be purchased, seen or obtained, shall in every such case be guilty of a mis-

demeanor, and upon conviction thereof, shall be punished by a fine not exceeding two hundred dollars, or shall be imprisoned not exceeding one year, or both fined and imprisoned in the discretion of the court; provided, that this section shall not apply to any person committing the acts thereby prohibited with intent to prevent violations of this article, or to procure the punishment of offenses against the same.

1894, ch. 271.

**220 A.** Any person who shall sell, lend, give away or show, or have in his possession with intent to sell or give away or show, or shall advertise or otherwise offer for loan, gift or distribution to any minor, any book, pamphlet, magazine, newspaper or other printed paper devoted to the publication, or principally made up of criminal news, police reports or accounts of criminal deeds, or pictures and stories of deeds of bloodshed, lust or crime, or shall exhibit on any street or highway, or in any other place within the view of any minor any such book, magazine, pamphlet, newspaper, writing, paper, picture, drawing, photograph or other article coming within the description of articles mentioned in this section, or in the next preceding section shall, in every case, be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding two hundred dollars, or shall be imprisoned not exceeding one year, or both fined and imprisoned in the discretion of the court; but nothing in this section shall apply to or affect any civil or criminal proceeding actually pending at the date of the passage thereof, to wit, April 6, 1894.

#### **Perjury.**

1894, ch. 262.

**226 A.** Any person who shall make oath or affirmation to two contradictory statements, each of them in one of the cases enumerated in section 226 of this article, and in either case shall make oath or affirmation wilfully and falsely, shall be deemed guilty of perjury; and to sustain an indictment under this section, it shall be sufficient to allege and prove that one of the said two contradictory statements is or must be false and wilful, without specifying which one.

1894, ch. 292.

**227.** Any person who shall procure another to make a false oath or affirmation in any of the cases embraced in the two preceding sections, shall be deemed guilty of subornation of perjury.

*Ibid.*

**228.** Every person who shall be convicted of perjury or subornation of perjury, shall be sentenced to imprisonment in the jail or penitentiary for not more than ten years.

*State v. Floto*, 81 Md. 601.

#### **Pneumatic Tire.**

1896, ch. 437.

**228 A.** Whoever wilfully places or causes to be placed in or upon any avenue, street, alley, road, highway or public way, any tack, nail, piece of iron, broken glass or other substance which may injure, cut or puncture any pneumatic tire, shall be guilty of a misdemeanor, to be tried before a justice of the peace, and shall be fined not more than fifty dollars nor less than five dollars, such fines to be collected as other fines are collected, and when collected, to be paid into the road or street fund of the county or municipal corporation in which they are collected; provided, that none of the provisions of this section shall apply to Talbot or Wicomico counties.

#### **Railroad Obstructing—Jumping on Cars.**

1892, ch. 17. 1892, ch. 540. 1892, ch. 397.

**231 A.** Any person who shall cling, climb, jump, step or in any other way get upon any part of any locomotive, engine or car, whether the same be freight, passenger, coal or otherwise, upon any part of the track of any railroad within this State, unless in so doing he acts in compliance with law, or by permission under the rules and regulations of the railroad company or corporation operating and managing such railroad, shall be guilty of a misdemeanor and upon conviction thereof before any justice of the peace or any court of competent jurisdiction shall be fined not less than one dollar nor more than twenty-five dollars, or be subject to imprisonment in jail or in the Maryland House

of Correction for not more than six months, or to both fine and imprisonment in the discretion of the justice of the peace trying the case, or court before whom the case may be tried; or if such person be a minor under sixteen years of age, he may in the discretion of the justice of the peace, or any court trying the case, be committed to any reformatory institution provided by law, and authorized to receive the same for such period as the justice of the peace or court may determine, not to exceed two years.

#### Rape.

1890, ch. 410. 1892, ch. 204.

**233.** If any person shall carnally know and abuse any woman child under the age of fourteen years, or knowingly carnally know and abuse any woman who is an imbecile, *non compos mentis* or insane, of any age whatever, every such carnal knowledge, shall be deemed felony, and the offender being convicted thereof, shall, at the discretion of the court suffer death, or imprisonment for life in the penitentiary, or for a definite period, not less than eighteen months nor more than twenty-one years.

1898, ch. 218.

**233 A.** If any person shall carnally know any female not his wife, between the ages of fourteen and sixteen years, such carnal knowledge shall be deemed a misdemeanor, and the offender, being convicted thereof, shall be punished by imprisonment in the Maryland House of Correction for a term not exceeding two years, or be fined in a sum not exceeding five hundred dollars, or be both fined and imprisoned, in the discretion of the court; provided, that nothing in this section contained shall be construed to affect or interfere with the law relating to the crime of rape, as now in force in this State; and provided further, that this section shall not apply to male persons under the age of eighteen years.

#### Receiving Stolen Goods, Money or Securities.

1892, ch. 546.

**234.** Every person who shall be convicted of the crime of receiving any stolen money, goods or chattels, knowing the same to be stolen, or of the crime of receiving any bond, bill obliga-

tory, bill of exchange, promissory note for the payment of money, bank note, paper bill of credit, certificate granted by or under the authority of this State or the United States, or any of them, knowing the same to be stolen, shall restore such money, goods or chattels or things taken and received to the owner thereof, or make restitution to the value of the whole, or such part as shall not be restored and shall undergo a confinement in the penitentiary for not less than eighteen months and not more than ten (10) years, and such receiver may be prosecuted and punished, although the principal offenders shall not have been convicted; provided, however, that in all cases where the stolen money, goods or chattels or things received shall amount to less than fifty dollars in value, the judge passing sentence shall have discretionary power to sentence the said person so found guilty to imprisonment in jail or in the house of correction, instead of the penitentiary.

#### **Threats and Threatening Letters.**

1896, ch. 896.

**257 A.** Every person who shall knowingly send or deliver, or shall make, and for the purpose of being delivered or sent, shall part with the possession of any letter or writing with or without a name subscribed thereto, or signed with a fictitious name, or with any letter, mark or other designation, threatening therein to accuse any person of any crime of an indictable nature under the laws of this State, or of anything, which, if true, would bring such person into contempt or disrepute, or to do any injury to the person or property of anyone, with a view or intent to extort or gain any money, goods or chattels or other valuable thing, shall be guilty of felony, and being convicted thereof, shall be punished by imprisonment in the penitentiary for not less than two nor more than ten years.

Ibid.

**257 B.** Every person who shall verbally threaten to accuse any person of any crime of an indictable nature under the laws of this State, or of anything which, if true, would bring such person into contempt or disrepute, or to do any injury to the person or property of any one, with a view to extort or gain any money,

goods or chattels or any other valuable thing, shall be guilty of felony, and being convicted thereof, shall be punished by imprisonment in the penitentiary for not less than two nor more than ten years.

1890, ch. 98.

**257 c.** Any person who with intent to extort money or procure other profit, shall falsely accuse or threaten to accuse another of any crime, or of anything which if the accusation were true would tend to bring him into contempt or disrepute, shall be deemed guilty of a misdemeanor, punishable by imprisonment in jail or the house of correction not exceeding two years.

#### **Trade—Trading Stamps.**

1898, ch. 207.

**263 A.** No person or association of persons shall either directly or indirectly, by agent or otherwise, use or hold for use in any way, or sell any stamp, commonly called a trading stamp, or any ticket, or check, or any written or printed promise or assurance, express or implied, or any other scheme or device for the sale, barter or trade of any goods, wares or merchandise, holding out as an inducement for any such sale, barter or trade, the giving or issuing of any such stamp, ticket, check, promise, assurance, scheme or device, which stamp, ticket, check, promise, assurance, scheme or device is to be or may be presented to or redeemed by some person or association of persons other than those making the sale, barter or trade aforesaid, the holder of said stamp, ticket, check, promise, assurance, scheme or device for presentment or redemption getting or receiving in exchange therefor any gift, prize or gratuity, or anything uncertain, undetermined or unknown to the purchaser of said goods, wares or merchandise at the time of the purchase thereof.

*Ibid.*

**263 B.** No person or association of persons shall, either directly or indirectly by agent or otherwise, use or hold for use, or sell any stamp, commonly called a trading stamp, or any ticket, check, promise or assurance, express or implied, or any other scheme or device of the kind or character described in the preceding section of this article, and thereby prohibited to be used

or held for use, or to be sold, when the same, instead of or in addition to the manner of redemption therein described, is to be or may be presented to or redeemed by the person or association of persons selling, bartering or trading the goods, wares or merchandise as in said section set forth, at any other place than that where said sale, barter or trade was made, or in any manner than by something certain and known to the purchaser at the time of said sale, barter or purchase; provided, however, that nothing contained in this or the preceding section is intended to prevent any manufacturer from offering any gift or present to any purchaser of his products.

1898, ch. 207.

**263 c.** Any person or association of persons violating any of the provisions of the two preceding sections of this article, or aiding, abetting or assisting in said violation, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any justice of the peace of this State or court of competent jurisdiction therein, shall be fined not less than fifty dollars nor more than one hundred dollars for each offense, and for a second or repeated violation of said sections may, in addition to said fines be imprisoned in the house of correction or in the city or county jail, as the case may be, for not less than one month nor more than six months.

*263 P. E. 7. 4. 8H. 1904 ch. 233, = 263 T. 1904 ch. 577,*

**Vagrants and Tramps.**

1894, ch. 481.

**276 A.** The officers and board of directors of the Friendly Inn of Baltimore City, and the officers and directors and managers of any other charitable corporation heretofore formed, or which may be hereafter formed, under either the general incorporation law of this State or by special act, for the charitable purpose, in whole or in part, of supplying food and lodging to the needy without demanding or receiving compensation in money therefor, may, and the said officers, directors and managers are hereby authorized and empowered to require any person applying to them for, and receiving from them, either food or lodging in any house, home or building maintained by the said charitable corporation, to perform within twenty-four hours thereafter a reasonable amount of labor in return therefor, provided that the

performance of such labor be accepted by such person as a condition upon which said food or lodging is given and received; and if any person refuses or neglects, when so required, to perform such labor suited to his age, strength and capacity, in return for the food or lodging so asked for and received by him, within the time above specified, he shall be deemed a vagrant and be punishable as such.

## II.

### JURISDICTION, PROCEDURE AND SENTENCE.

#### Indictments—Forgery and False Pretenses.

1898, ch. 120.

**291 A.** In every indictment for robbery, larceny or embezzlement of any kind, when the offense shall relate to money, and in every indictment for obtaining money by false pretenses, or for receiving stolen money, or for any kind of fraudulent conversion of money, and in every other indictment, whenever it shall become necessary to make any averment as to money, it shall be sufficient to describe said money as so much current money, or so many dollars, or dollars and cents, current money, without specifying any particular coins, or notes, or certificates, circulating as money, or other species of money; and such allegation, so far as regards the description of the money, shall be sustained by proof of any amount of coin, or notes or certificates circulating as money or other species of money, although the particular species of coin, or notes or certificates circulating as money, or other species of money, of which said amount was composed, shall not be proved.

*State v. Blizzard*, 70 Md. 888-9.

#### Indictments—Selling Liquor.

1890, ch. 429. 1890, ch. 492.

**291 B.** In any indictment for the unlawful sale or disposition of spirituous or fermented liquors or lager beer, it shall not be necessary to specify the particular variety, provided the indictment sets forth an unlawful sale or disposition of intoxicating liquor, but the defendant on application to the State's attorney before trial, may obtain a statement of the particular variety of liquor expected to be proved.

*291 C. - 1900 ch. 131. (Indictments for violation of Ordinances)*

**Sentence for First Offense—Release on Recognizance.**

1894, ch. 402.

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.494. **304 A.** In any case in which a person is convicted before any court of larceny or false pretenses or any other offense not capital, and no previous conviction is proved against him, if it appears to the court before whom he is so convicted, that regard being had to the youth, character and antecedents of the offender, to the nature of the offense, and to any extenuating circumstances under which the offense was committed, it is expedient that the offender be released on probation of good conduct, the court may, instead of sentencing him at once to any punishment, direct that he be released on his entering into a recognizance, with or without sureties; and during such period as they court may direct, to appear and receive judgment when called upon, and in the meantime to keep the peace and be of good behavior; and the court may, if it thinks fit, direct that the offender shall pay the costs of the prosecution or some portion of the same, within such period and in such instalments as may be directed by the court; and at any time within such period, but not afterwards, the court may, upon being satisfied by information on oath that the offender has failed to observe any of the conditions of his recognizance, issue process for his apprehension, and thereupon, without further proceedings, impose sentence upon him.

**III.****PLACES OF REFORMATION AND PUNISHMENT.****House of the Good Shepherd for Colored Girls.**

1894, ch. 187.

**329 A.** The House of the Good Shepherd for Colored Girls of the city of Baltimore, organized under the general incorporation laws of this State, for the purpose of affording a refuge to colored females who have had the misfortune to lead an evil life, and who wish to abandon their vicious course and reform, such persons to be received without distinction of creed, age or place of birth or residence, is declared to be a body corporate and politic of this State for the purpose aforesaid, and is hereby, as to colored females, vested with all such powers and charged with all such duties as have heretofore been conferred or charged by

law, as to white females on the House of the Good Shepherd of the city of Baltimore.

1894, ch. 187.

**329 B.** All courts and justices of the peace are hereby authorized and empowered to commit colored females to said corporations, for like causes, in like manner and for like terms as they are now by law authorized to commit white females to the "House of Good Shepherd" of the city of Baltimore, and the judge of the criminal court, the president of the board of police commissioners and the marshal of police of the city of Baltimore shall, at such times as they think proper, visit and inspect the said institution.

#### House of Refuge.

1892, ch. 396.

**353.** The estate and concerns of said corporation shall be managed and conducted by the twenty-four managers, of whom ten shall be elected by the members of the association, and ten appointed by the mayor and city council of Baltimore, and four shall be appointed by the Governor, in the month of February annually.

#### House of Refuge—Female.

1890, ch. 435.

**373 A.** Every person who has paid, or shall hereafter pay to the funds of said institution, fifty dollars in any one year, or ten dollars annually for the term of six years, shall be a member for life; and every person paying any sum not less than five dollars, shall be for one year next after such payment a member of said institution, and the treasurer's book shall be *prima facie* evidence of such membership; but permanent members may be elected by the directors from time to time on such terms as the directors may prescribe.

#### State Penitentiary.

1892, ch. 44.

**393.** The warden of the penitentiary shall annually appoint, subject to the approval of the board of directors, an assistant warden, a bookkeeper, physician and matron, and as many

deputy keepers, guards or other officers as he may deem necessary for the service of the institution, and shall also regulate and determine their respective duties as far as may be consistent with law.

1892, ch. 44.

**396.** The directors shall fix and determine the amount of the salaries to be paid to the assistant warden, bookkeeper, physician, matron, deputy keepers, guards and other officers employed in the penitentiary, and shall prescribe the oath to be taken by all such officers or other persons officially connected with the institution before entering upon their respective duties; and shall take from them respectively the bond required by the preceding section.

1894, ch. 148.

**397.** The warden shall receive a salary at the rate of three thousand dollars per year, and shall be allowed subsistence, fuel and the occupancy of such parts of the front building as a dwelling, as are not used for purposes of the penitentiary, and all necessary out houses, yards and grounds not within the walls of the prison proper, but shall receive no other pay, emoluments or perquisites for his services.

1890, ch. 590.

**406.** The directors may enter into such contracts for the employment of the convicts in the penitentiary and for the sale of the manufactures in the institution as they may deem proper, but shall not enter into any contract for the making or manufacturing of the articles known as tin cans, used for oyster and fruit packing purposes, or iron stoves used for heating and cooking purposes, or iron castings used for machinery purposes, nor employ any convicts in the making thereof; the directors may, however, employ an agent or agents for the purchase of articles or goods wanted by the institution, and allow the agents so employed such compensation as the directors may deem right and proper; provided, that nothing herein contained shall interfere with present existing contracts.

**State Penitentiary—Convicts.**

1892, ch. 273.

**424 A.** In every prison in this State, to which persons convicted of any felonious offense are or may be committed by the courts of this State, the warden or other officer in charge shall record or cause to be recorded in a record kept for that purpose, a description of every person committed to such prison under a sentence for a felony, and also the criminal history of every such person so committed, as far as the same may appear from the records of the courts of this State or of any other State or otherwise, as full and complete as may be obtainable, and shall attach thereto a photograph or photographs of such person so recorded.

Ibid.

**424 B.** For the purpose mentioned in the next preceding section, the State's attorney of the county or city in which a criminal has been convicted and sentenced to prison for a felony, shall forward to the warden or other officer in charge at the request of such warden or other officer, and upon blanks furnished by him, a criminal history of such criminal as fully as is known, or can be ascertained by such State's attorney.

Ibid.

**424 c.** The register herein provided for shall not be made public, except as may be necessary in the identification of persons accused of crime and in the trial of offenses committed after having been imprisoned for a prior offense. The record shall be accessible, however, to any officer of any court having criminal jurisdiction in this State, upon the order of the judge of the court, or of the State's attorney of the county or city in which the person is being held for a crime, which said order shall be attested by the seal of the court, and any such record may be given in evidence upon any trial of any offender indicted under the habitual criminal law of this State for the purpose of proving a former conviction or convictions, and the offense or offenses for which convicted.

1892, ch. 273.

**424 D.** For the purpose of obtaining accurate descriptions of criminal convicts, the warden or other officers in charge of the several prisons in this State, are hereby authorized to adopt the Bertillon method of measurement and registration or such other method as shall minutely describe convicts.

Ibid.

**424 E.** A copy of the description and of the history and of the photograph or photographs of any convict entered upon such record or register, shall be furnished upon the request of any warden or other officer in charge of a prison for felons in any any other State of the United States to such warden or other officer in charge, provided such State has made provision by law for requiring the descriptions of its criminals convicted and for furnishing such descriptions to the authorities of such other States as have made provisions by law for the keeping of registries of descriptions and history of their convicts.

Ibid.

**424 F.** A copy of the description, history and photograph or photographs of any convict entered upon such records, shall be furnished to any officer of the bureau of police in the cities where penitentiaries are or may be located upon the order of the superintendent of the police thereof; also on or before the twenty-eighth of each and every month, the warden of the State penitentiary or penitentiaries located in said city or cities, shall furnish to the board of police commissioners of said city or cities the name of said convicts whose sentences expire the following month, together with the date when sentence commenced, the county or city from which committed, the crime for which committed and the exact day when the convict will be discharged.

**State Penitentiary—Removal of Insane Convicts.**

1890, ch. 128.

**433 A.** Whenever the board of directors of the Maryland penitentiary may deem it necessary, they shall have full power

to summon the State lunacy commission to examine and pass upon the mental condition of the convicts, and if the convict or convicts so examined be adjudged insane or lunatic by said commission, or a majority thereof, and removal be deemed advisable, said commission shall make complaint to the judge of the criminal court of Baltimore, who shall have the power to order the removal of such insane or lunatic convict or convicts to some insane asylum within the State, and all expenses incurred in the removal and support of said insane or lunatic convict or convicts shall be borne by the State of Maryland.

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## ARTICLE XXX.

### DEAF, DUMB AND BLIND—EDUCATION OF.

#### 3. Amount of annual appropriation for such instruction.

1892, ch. 272.

3. A sum not exceeding twenty-one thousand dollars shall be annually appropriated to be applied under the direction of the Governor in placing for instruction in the Maryland School for the Blind, formerly known as the Maryland Institution for the Instruction of the Blind, such indigent blind persons of the age of seven years and upwards, inhabitants of this State, and of the county or city from which they are recommended, as may be recommended to the Governor by the county commissioners of each county or by the judges of the Orphans' Court of Baltimore city.

## ARTICLE XXXI.

## DEBT—PUBLIC.

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|--|---|
| 10. Provision for refunding State bonds due in 1892. | 12. Tax to pay interest and principal on such loan. |
| 11. State Penitentiary Loan.                         |   |

**State Refunding Bonds.**

1890, ch. 305.

**10.** The State bonds issued under the provisions of the act of 1890, chapter 305, for refunding State bonds due in 1892, shall be payable at the pleasure of the State after the first day of July, 1905, and are exempt from State, county and municipal taxation.

**State Penitentiary Loan.**

1896, ch. 166.

**11.** The "Penitentiary Loan" of five hundred thousand dollars as authorized by the Act of 1896, chapter 166, shall be payable fifteen years after the date thereof, but shall be redeemable at the pleasure of the State after the first day of July, 1906, and shall be and remain exempt from all State, county and municipal taxation.

Ibid.

**12.** The county commissioners of the several counties of this State, and the mayor and city council of Baltimore city, are hereby directed to levy the State taxes for the year 1897, and annually thereafter, to be collected according to law, to the amount of "fifteen-sixteenths of one cent," on each one hundred dollars, in addition to the amount now collected, to meet the interest, and to create a sinking fund for the redemption of said "Penitentiary Loan."

## ARTICLE XXXII.

## DENTISTRY.

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| <ol style="list-style-type: none"> <li>1. Unlawful to practise without certificate.</li> <li>2. Dental examiners, appointment and powers.</li> <li>3. President and secretary of said board. Meetings. Report.</li> <li>4. Examination of applicants.</li> <li>5. Certificates to be signed by officers and bear seal.</li> <li>6. Temporary certificates may be issued. Fee.</li> </ol> | <ol style="list-style-type: none"> <li>7. Transcript from book of registration to be evidence.</li> <li>8. Fee of applicants.</li> <li>9. Who shall be regarded as practising dentistry.</li> <li>10. Penalties for violating provisions of this article.</li> <li>11. Rights of physicians and surgeons not to be interfered with by the provisions of this article.</li> <li>12. Prosecution of past offenses.</li> </ol> |
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1896, ch. 378.

1. It shall be unlawful for any person to practice dentistry in this State unless such person shall have obtained a certificate, as hereinafter provided. *Act held constitutional - State vs. Knowles, 90 Md. 646.*

Ibid.

2. There shall be a State Board of Dental Examiners, which shall consist of six practising dentists of recognized ability and honor, who have held regular dental diplomas for five years, whose duty it shall be to carry out the purposes and enforce the provisions of this act. The members of said board shall be appointed by the Governor out of a list of nine dentists proposed by the Maryland State Dental Association, and chosen by a majority vote of the members of said association present at a meeting called for that purpose, of which meeting two weeks' notice shall be given. The term for which the members of said board shall hold their office shall be for six years, except that the members of said board first to be appointed under this section shall be designated by the Governor to serve: One third for a term of two years, one-third for a term of four years, and one-third for a term of six years, unless sooner removed by the Governor, and until their successors shall be duly appointed. In case of a vacancy occurring in said board, such vacancy shall be filled by the Governor from the list above mentioned. Any

member of said board who shall be absent from two successive regular board meetings shall cease to be a member of it.

1896, ch. 378.

3. Said board shall choose one of its members president and one secretary thereof, and shall hold regular meetings in May and November of every year, and special meetings, as occasion may require. A majority of said board shall at all times constitute a quorum, but a less number may adjourn from time to time; the proceedings thereof shall at all reasonable times be open to public inspection. The board shall make a report of its proceedings to the Governor by the first day of December in each year.

Ibid.

4. Any person twenty-one years of age, who has graduated at, and holds a diploma from, a university or college authorized to grant diplomas in dental surgery by the laws of any one of the United States, and who is desirous of practising dentistry in this State, may be examined by said board with reference to qualifications, and, upon passing an examination satisfactory to said board, his or her name, residence or place of business, shall be registered in a book kept for the purpose, and a certificate shall be issued to such person. Any graduate of a regular college of dentistry may, at the discretion of the examining board, be registered without being subjected to an examination.

Ibid.

5. All certificates issued by said board shall be signed by its officers and bear its seal.

Ibid.

6. A temporary certificate for a specified time may be issued by the officers of said board to any applicant holding a regular dental diploma duly registered by a board of dental examiners created by the laws of any one of the United States, but no such certificate shall be issued for any longer time than until the next regular meeting of the board. The fee for this temporary certificate shall be five dollars.

Ibid.

7. Transcripts from the aforesaid book of registration, certified by the officer who has the same in keeping, with the seal of said board of examiners, shall be evidence in any court of this State.

1896, ch. 378.

8. A fee of ten dollars shall be paid to the secretary of the board by any applicant for examination and registration, which money shall be used towards paying the expenses of the board.

Ibid.

9. Every person shall be said to be practising dentistry, within the meaning of this article, who shall, for a fee, salary or other compensation, paid either to himself or to some one else for services rendered, perform operations or parts of operations of any kind pertaining to the mouth, treat diseases or lesions of the human teeth or jaws, or correct mal-positions thereof.

Ibid.

10. Any person who shall violate any of the provisions of this article, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, in any court having criminal jurisdiction, shall be fined not less than fifty dollars nor more than three hundred dollars, or be confined not more than six months in the county jail, or if the conviction takes place in Baltimore city, in the Baltimore city jail, in the discretion of the court. All fines received under this act shall be paid into the common school fund of the city or county in which such conviction takes place.

Ibid.

11. Nothing in this article shall be so construed as to interfere with the rights and privileges of resident physicians and surgeons, or with persons holding certificates duly issued to them prior to the passage of this act; and dental students operating under the immediate supervisions of their instructors in dental infirmaries or dental schools chartered by the General Assembly of Maryland.

Ibid.

12. Nothing in this article shall prevent, or be so construed, as in any way to hinder the prosecution, conviction or punishment of any person who may have offended against any of the provisions of said Article thirty-two of the Code of Public General Laws, or against any of the provisions of any of the Acts of Assembly of which the same was a codification.

# ARTICLE XXXIII.

## ELECTIONS.\*

### Supervisors of Elections.

1. Appointment of supervisors.
2. Salary of supervisors.
3. Oath of supervisors.
4. Vacancies in such office.
5. Ballot-boxes, etc., to be provided by supervisors.
6. Clerks and messenger for such supervisors ; salaries of such clerks and messenger.

### Judges and Clerks of Election.

7. Appointment of judges and clerks.
8. Supervisors may have veto on such selections.
9. Notice to persons selected to appear. Penalty for refusal to serve.
- 9 A. Who may not be required to appear before supervisors.
10. Duty of board of supervisors as to judges and clerks appointed. Notice by publication. Oath of office. Vacancies, how filled.
11. Registration offices and polling places.
12. Monthly report of males who have died to be furnished.
13. Ten days' notice of registration to be given.

### Registration.

14. Judges of election to act as registers. Their duties and powers as such.
15. Registry books to be furnished to each ward. Form of registration books.

16. First meeting of board of registration. Oath to applicants for registration. Entries to be made in registration books. How registers are to be signed.
17. Police census of voters to be made annually.
18. Voters may have the right to challenge any applicant.
19. Subsequent meetings of board of registry.
20. Board of registry to make out list of persons suspected to be disqualified. Notices to be sent.
21. Revision of registration. Hearing of persons to whom notice was sent.
22. Registers must agree and be signed. Return of registers and lists. Copies of lists to be furnished on application.
23. Persons aggrieved may file petitions. Right of appeal.
24. Registration in the counties at intervals of eight years.
25. Annual registration in Baltimore city.

### Intermediate Registration.

26. Revision of registration in the counties. Certificate of removal. Oath of applicant for removal certificate.
27. Registers to be made to agree and be signed.
28. Board of registry to make out list of persons suspected to be disqualified.
29. Meeting for revision.

\*This article supersedes all pre-existing general election laws.

30. Hearing of persons to whom notices were sent.
31. List of registered or erased names to be printed and posted.
32. Persons aggrieved may file petitions.
33. Vacancies, how filled.
34. Revision of registration in Annapolis.
35. Inspection of registers may be permitted in presence of some member of the board of supervisors.

#### Nominations.

36. How nominations may be made.
37. Nominations by conventions or primaries.
38. Nominations otherwise than by conventions or primaries.
39. Filing of certificates of nomination.
40. Such certificates to contain but one nominee for each office.
41. Such certificates to be kept for two years.
42. When such certificates shall be filed.
43. Secretary of State to certify to names of nominees.
44. List of nominees to be published.
45. Persons declining office must give notice ten days before election.
46. Vacancies in nominations, how to be filled.
47. Constitutional amendments, etc., to be published.

#### Ballots and Ballot-Boxes.

48. Ballots and cards of instruction to be printed and distributed. Construction of ballot-boxes.
49. Supervisors to provide ballots. How ballots are to be printed.
50. Form and arrangement of ballots.

51. Arrangement of offices and names upon ballots.
52. White paper to be used. Sample ballots to be posted.
53. Delivery of ballots to judges of election.
54. Mode of delivery of ballots, ballot-boxes, etc., at polling places.
55. Judges of election to keep the peace.
56. Opening of polling places in city of Baltimore and in the counties. Substitute of absent judges or clerks. Oath of such substitutes.
57. Parties having candidates shall have the right to keep challengers or watchers. Penalty for violating the law in this respect.
58. Poll-book to be kept by clerk.
59. Voting booths, how to be constructed.
60. Inspection and closing of ballot-boxes.
61. Manner of voting.
62. Clerks to assist voters who are unable to read.
63. Voter spoiling ballot may be furnished with another. Method of challenging voter.

#### Count of the Ballots.

64. Canvass of votes.
65. Coupons to be destroyed immediately after count of votes. Duty of judges and clerks as to names of persons registered, but not voting.
66. What ballots are to be rejected. Manner of counting ballots.
67. Announcement of result.

#### Election Returns.

68. Judges to make duplicate returns. Certificate of judges and clerks.

- 69. Disposition of "spoiled not voted" and "rejected and defective ballots." How ballot-boxes are to be sealed.
- 70. How ballot-box, key, etc., are to be taken charge of. Delivery of ballot-boxes, keys, etc., to supervisors.
- 71. Condition of ballot-boxes to be noted. To be kept for six months.

#### Canvassing Boards.

- 72. Clerks of courts, county commissioners or mayor to deliver returns to such boards.
- 73. Who to constitute such boards.
- 74. Meetings of boards of canvassers.
- 75. Canvass of votes, how to be made.
- 76. Statement of canvass of votes of canvassing board to be sent to clerk of courts.
- 77. Canvassing board to declare who is elected.
- 78. Errors in statements previous to canvassing votes, how corrected.
- 79. How board of canvassers shall correct errors made by themselves. Power of courts in event of failure.
- 80. Who shall constitute board of State canvassers. Their duties and powers
- 81. Record of certified statements of board of State canvassers to be kept by Secretary of State. Duty of Secretary of State as to this record.

#### Offenses.

- 82. Registering unlawfully. Threatening or bribing, etc., officers of registration. Penalty.
- 83. Voting unlawfully or influencing other voters. Penalty.

- 84. Keeping false poll list or inserting false names or statements. Penalty.
- 85. Excluding lawful votes. Failure of duty as to persons challenged. Refusal to open ballot-boxes prior to opening of polls, etc. Penalty.
- 86. Making false tally, false certificate, etc., as to result of election. Penalty.
- 87. Unlawful putting or permitting ballots to be put in ballot-box. Penalty.
- 88. Judges, clerks, other officers, neglect of duty. Fraud or corruption. Penalty.
- 89. Judges, clerks or other officers concealing record, registry, etc., or permitting others to do so. Penalty.
- 90. Persons, not officers, guilty of offenses named in preceding section. Penalty.
- 91. False swearing. Penalty.
- 92. Inducing others to swear falsely. Penalty.
- 93. Persons convicted of crime, voting illegally. Penalty.
- 94. Disobeying commands of judge of election. Penalty.
- 95. Breach of peace or hindrance of election in any way. Penalty.
- 96. Interfering with registration or other officers. Penalty.
- 97. Concealing or injuring ballot-box, report, etc. Penalty.
- 98. Officers of registration for unlawfully permitting persons to register. Penalty.
- 99. Officers unlawfully absenting themselves during time of registration. Penalty.
- 100. Falsely making certificate of nomination, etc. Penalty.
- 101. Removing supplies from booths, etc. Penalty.

102. Permitting ballot to be seen, except as otherwise provided. Penalty.
103. Destroying or delaying the delivery of ballot. Penalty.
104. Taking intoxicating drinks into registration offices during hours of election. Penalty.
105. Selling liquors and other intoxicating drinks on election day. Penalty.
106. Betting on result of election. Penalty.
107. Marching troops in view of polling places. Penalty.
108. Defects of notice, etc., no defense in prosecution.
109. Supervisors to aid in prosecution of offenses.

#### Compensation.

110. Pay of sheriffs, judges and other officers.
111. All oaths to be certified.
112. Definition of the words "election" and "precinct." Computation of time for giving notices of registration or election.
113. Number of challenges of jurors to which State and defense are entitled.
114. Attorney General to prepare instructions and blank forms necessary for use of officers of registration and of election. Such forms to be printed.
- 114 A. Instructions to voters to be printed. Specimen ballots to be printed.
- 114 B. Boards of supervisors of election for counties may employ attorney. Compensation of such attorney. General counsel for board of supervisors of election for Baltimore city. Salary of such counsel. Employment of

additional counsel. Salary of such counsel.

117. Boundaries of election districts and wards. Duty of supervisors as to election districts.
118. Maps of wards and precincts to be furnished to officers of registration. Persons may be furnished copies upon payment of fifty cents per copy.

#### Contested Elections.

119. Contested elections for what offices shall be decided by the House of Delegates.
120. Judges of circuit courts for counties and Superior Court of Baltimore city to decide all other cases of contested elections.
121. Mode of proceeding and costs in such contests.
122. Right of appeal.
123. Time within which notice of such contest is to be given.
124. How notices shall be delivered.
125. Notice from justice of peace to be sent to the opposite party.
126. Attendance of witnesses.
127. What notice of justice of the peace shall contain.
128. Depositions shall be taken under oath.
129. Where such depositions shall be sent.
130. Examination of witnesses taken only in the manner prescribed to be admitted on trial.
131. Copies of recorded papers shall be admitted at such trials.
132. What other papers may be admitted as evidence.
133. Ballots may be produced in regard to such testimony under order of court.
134. Pay of justice and witnesses.
135. Person contesting not to be allowed mileage, etc., unless

establishing his right to such contested seat.

### **Electors of President and Vice-President.**

- 136. Date of election of electors of president and vice-president.
- 137. Qualification of voters.
- 138. Tie vote.
- 139. Election of electors, how conducted.
- 140. Vacancies in the college of electors, how filled.
- 141. Meeting of electors.

### **Representatives in Congress.**

- 142. Election of congressmen.
- 143. How vacancies in Congress shall be filled.

### **Congressional Districts.**

- 144. State shall be divided into six congressional districts.
- 145. Counties composing first district.
- 146. Counties composing second district.
- 147. What wards of Baltimore city compose the third district.
- 148. What wards of Baltimore city compose the fourth district.
- 149. Counties composing fifth district.
- 150. Counties composing sixth district.
- 151. Separate election returns.
- 152. Appointment of supervisors before the passage of this act to be valid.
- 153. This article to become effective, when. Proviso.

### **Supervisors of Elections.**

1896, ch. 202.

1. The Governor shall biennially appoint, by and with the advice and consent of the Senate, if in session, and if not in session, then the Governor alone shall appoint, in each and every county of the State, and in the city of Baltimore, three persons, who shall constitute and be styled "the Boards of Supervisors of Elections, of the respective counties and of said city." Said supervisors shall be residents and voters in their respective counties, or in the city of Baltimore, as the case may be; and two of them shall always be selected from the two leading political parties of the State, one from each of said parties. They shall be men of high character and integrity, and of recognized business capacity. Before appointing such supervisors of elections, the Governor shall request the State Central Committees, representing each of the two leading political parties of the State, in each county and in said city, as the case may be, to designate at least four eligible candidates for the position of supervisors of elections in their respective counties and in said city; and the Governor shall appoint one of the persons so designated, for any particular county, or for said city, unless in his judgment, all of said per-

sons shall be unfit or incompetent for said position, in which case he shall file a written statement to that effect with the Secretary of State, setting forth such fact, and the grounds therefor, and thereupon he shall call upon the said committee for the city or county, as the case may be, for another list of six names, and from said list and the original list, he shall make the appointment.

1896, ch. 202.

2. Each supervisor of elections of Baltimore city, shall receive an annual salary of fifteen hundred dollars, and each supervisor of elections of any of the counties of this State, shall receive an annual salary of one hundred dollars, which salary may, in counties having more than fifteen polling places, be increased by the county commissioners, in their discretion, to an amount not exceeding one hundred and fifty dollars. These salaries, and all other expenses incurred by them under this article shall, upon their requisition, be audited by the county commissioners of their respective counties, or by the comptroller of Baltimore city, as the case may be, who shall pay the same by warrant, drawn upon the proper officers of their county or of said city.

Ibid.

3. Before entering upon the duties of their office, said supervisors of elections shall each take and subscribe the oath prescribed in the sixth section of the first article of the Constitution, and also an oath to perform faithfully and honestly the duties imposed upon them by law. These oaths shall be taken before and duly recorded by the clerk of the circuit court for the county, or of the Superior Court of Baltimore city, as the case may be, who shall be entitled to a fee of twenty-five cents for each oath, to be paid by the supervisor. Within twenty days after their appointment, the supervisors of elections for each county, and for the city of Baltimore, respectively, shall organize as a board, by electing one of their number as president; and they shall hold office for two years, and until their successors are appointed and qualified, unless sooner removed, for good cause shown, by the Governor, who shall have power to so remove them at any time, upon written charges, after notice and hearing.

1896, ch. 202.

4. In case of any vacancy in the number of said supervisors of elections occurring when the Legislature is not in session, the Governor shall appoint some eligible person to fill such vacancy during the remainder of the term of office of the person originally appointed ; but if the latter was appointed as the representative of a political party, then only a person belonging to the same political party shall be eligible as his successor ; and it shall be the duty of the Governor before appointing such successor, to request the State Central Committee representing such political party in the county or city, as the case may be, to designate candidates for such successor, in the same manner as in the case of an original appointment ; and if the Governor shall see fit not to appoint any one of the persons so designated, he shall file his reasons for not doing so, as in the case of an original appointment, and he shall appoint as and from list, as provided in case of original appointment.

Ibid.

5. Each board of supervisors shall have an office, and shall provide all necessary ballot boxes and ballots, and all registry books, poll books, tally sheets, blanks and stationery of every description, with printed headings and certificates necessary and proper for the registry of voters and conduct of elections, and for every incidental purpose connected therewith ; and the expenses thereof shall be paid by the county or by the mayor and city council of Baltimore, as the case may be, as above provided. It shall be the duty of the county commissioners of the several counties, and of the mayor and city council of the city of Baltimore, to allow the reasonable use of the public buildings in their respective counties and in said city by the election supervisors thereof, and to light and heat the same for such use, and in all proper ways to facilitate them in the discharge of their duties as such supervisors.

1898, ch. 356.

6. The board of supervisors of elections of the several counties may have clerks with the consent of the county commissioners for their respective counties, at such compensation

as the said county commissioners may fix. The supervisors of elections of the city of Baltimore shall have a clerk at a salary of two thousand dollars, and a messenger at a salary of eight hundred dollars per annum. The said clerks, and in the city of Baltimore, the said messenger, shall be appointed by the respective boards of supervisors, and shall be removable by them in their discretion. In Baltimore city the clerks and messenger, with the approval of the supervisors, shall, from time to time, secure such temporary assistance as may be necessary for the proper transaction of the business of the office, but the compensation of such assistant to be paid by the mayor and city council of Baltimore, upon requisition by the said supervisors, shall not exceed the sum of two thousand dollars in any one year.

#### **Judges and Clerks of Elections.**

1896, ch. 202.

7. In each year the board of supervisors of elections in the city of Baltimore shall select, before the first day of July, four judges of election, and before the fifteenth day of September, two clerks, for each election precinct in said city, taking two of such judges and one of such clerks from each of the two leading political parties of the State. The boards of supervisors in the several counties, in each year in which an election in November is to be held in their respective counties, shall select, before the first day of July, two judges of election, and before the fifteenth day of September, two more judges of election and two clerks for each election district in their respective counties, or, where a district is divided into voting precincts, for each voting precinct in such district, taking one of such judges and one of such clerks, in making each such selection, and for each such voting precinct or district, from each of the two leading political parties of the State, so that such parties shall be equally represented at all times among said election officers. It shall not be necessary to appoint new or special judges or clerks of election for any election not held on the first Tuesday after the first Monday in November, whether general, special, local or municipal, and whether such election be held in the whole State or in any county or part thereof; but the judges and clerks appointed under this article for the preceding Novem-

ber election shall discharge the duties of said judges and clerks of election, respectively, within their several precincts or districts wherein such election shall be held. Each judge and each clerk must be a legal voter residing in the precinct or district, as the case may be, for which he is selected—a man of good capacity and character—able to speak, read and write the English language, and skilled in the four fundamental rules of arithmetic, not holding any other public office or employment, and not a candidate for any office at the next election; provided, that in the city of Baltimore, whenever all three supervisors shall file in their office a sworn statement, in writing, that suitable persons cannot, in their judgment, be secured in any particular precinct for some of the offices to be filled, such offices may be in such case filled by persons otherwise qualified residing in another precinct in the same ward.

1896, ch. 202.

8. Each supervisor shall have a veto upon the proposed selection or nomination of any judge or clerk; and if, in any case, in consequence of such veto, the board of supervisors cannot agree upon an appointment, then the supervisor or supervisors belonging to the political party entitled to be represented by the judge or clerk in question shall name three men who are eligible, and from these the other supervisor or supervisors shall select such judge or clerk.

Ibid.

9. Each person selected as judge or clerk by the board of supervisors shall be promptly notified of the fact of his selection, with direction to appear, within the time fixed in the notice, before the board, for the purpose of examination; and if upon examination he is found qualified, he shall, unless excused by the supervisors for good cause, be appointed by the supervisors, and shall be bound to serve as such officer for the term of one year. The supervisors shall keep books in which shall be written down the names of all the judges and clerks so appointed, the date and manner of notice to them to appear, and whether or not they appear, and if appearing, whether they were appointed, rejected or excused, and if rejected or excused, the reasons therefor. No person shall be compelled to serve as judge or clerk for one year

after the expiration of his term of service, and all persons so serving shall be exempt from jury duty during the term of their service and one year thereafter. Any person so selected and notified to appear for examination, who shall not appear before the board as required, or shall refuse to serve, shall be fined not less than one hundred dollars nor more than three hundred dollars, unless it shall appear that he was not qualified for such service by reason of ill health, infirmity or old age. It shall be the duty of the supervisors to notify the State's attorney of the county or the city of Baltimore of the failure, refusal or neglect of any person, and to require the State's attorney to institute proceedings for such penalty at the next term of court; the State's attorney shall receive a fee of fifty dollars for every penalty recovered by him, to be paid out of the sum actually recovered, whether the proceedings for the recovery of such penalty shall be instituted of his own motion or at the instance of said supervisors.

1898, ch. 385.

9 A. The judges and clerks appointed by the board of supervisors of elections for Garrett county shall not be required to appear before the said board for the purpose of examination, nor to be sworn in, as required by section 9 of this article, but the said board of supervisors of elections for Garrett county, before making appointments of any such judges or clerks, shall thoroughly inform themselves as to the qualifications of the parties appointed, and shall not require their attendance before said board for such examination, and shall appoint only such persons as are known to them to possess the proper qualifications for the position to which they are severally appointed, and the said persons may be sworn in either by said board or by a justice of the peace or notary public of said county, and when sworn in by a justice or notary, shall file with said board a certificate of such qualification.

9 B. Added 1902 ch. 290. (*Queen Anne + Dorchester Counties*)

9 C. " 1902 ch. 433

9 D. " 1902 ch. 539. 1898, ch. 142.

1900 10. After the judges required to be selected before the first day of July are appointed, the board of supervisors shall immediately and before the first day of August in each year give notice of the names of all such judges, and after the other judges

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and clerks are appointed, shall before the first day of October give notice of the names of all such other judges and clerks, giving in every case the residence of each clerk or judge, and the precinct or election district for which he is selected, by causing the same, in the several counties, to be published once a week, for two successive weeks, in two or more newspapers printed in each county, one of which papers, if possible, shall be of opposite political faith from that of a majority of such supervisors, and each of said papers to be that of their respective political faiths; and if no newspaper be published in such county, then by posting such notice in three of the most public places in such county; and in Baltimore city, to be published on two successive days in all of the daily papers printed in the English language in said city, which shall be willing to publish the same at their current rates for advertising. Said board, in appointing judges and clerks, and in the notice thereof, shall designate the persons intended by them to represent the political parties, respectively. It shall be the duty of the said board to examine promptly into any complaints which may be preferred to them in writing against the fitness or qualification of any person so appointed judge or clerk, and to remove any such judge or clerk whom, upon inquiry, they shall find to be unfit or incapable. The board shall forthwith appoint persons in the manner hereinbefore prescribed, to fill all vacancies in the office of judge or clerk, and shall immediately make public the names of such persons so appointed by advertisement, as nearly as may be, as hereinbefore provided, for the original appointment. The record of appointments to fill vacancies shall be kept in the books as hereinbefore prescribed in section 9, which books, with the recommendations and protests made to them, and all their other records and papers, shall always be open to the inspection of the public. After notice, as aforesaid, of their appointment, the judges and clerks shall again be notified to appear at the office of said board, and shall then and there, after taking the oath of office before one of said supervisors, receive their commissions. The oath of office shall be in writing and subscribed by each one in a book to be kept for the purpose by the supervisors, and shall be in substance as follows: "I, ———, residing at ———, in the city (or county) of ———, in the State of Maryland, do solemnly swear (or

affirm) that I am a legal voter in the ——— precinct of the ——— ward of the city ———, (or district of county,) in said State; that I will support the Constitution of the United States, and that I will be faithful and bear true allegiance to the State of Maryland, and support the constitution and laws thereof; and that I will faithfully and honestly discharge the duties of an officer of registration and of judge of election (or clerk of election) for the ——— precinct of the ——— ward of the city of ——— (or district of ——— county,) in the State of Maryland, according to the best of my ability; and I do further swear (or affirm) that I will not attempt to ascertain, save in cases and in the manner in which I am authorized by law so to do, for what candidate or candidates any person shall vote or has voted, on any question which may be, or may have been submitted to the vote of the people, and if such knowledge shall be acquired by me, I will not directly or indirectly, by word or act, divulge or reveal the same, or aid in doing so, save when I may be required to do so by law in some legal proceeding.”

1896, ch. 202.

11. It shall be the duty of said board of supervisors to appoint the place of registration, and also the polling place, in each precinct of their county or city, and to cause the same to be fitted up, warmed, lighted and cleaned. The places for registration and polling shall, in all cases, be upon the ground floor of a building, the entrance to which is from the highway or from a public street at least forty feet wide, if in the city of Baltimore, and at least twenty-five feet wide, if in the counties, in a room facing on said street or highway, and shall be as near the center of the voting population of the precinct, and as convenient to the greatest number of voters, as is practicable, and in no case shall a registration or election be held in any building, or part of a building, used or occupied as a saloon, dram shop, pool room, billiard hall or bowling alley, or communicating therewith by doors or hallways. If no suitable place is found, the supervisors shall provide one.

Ibid.

12. It shall be the duty of the person or officer having charge of the vital statistics of any city or county to furnish to the board of supervisors of elections, monthly, a report of the name

and previous residence of every male person over twenty-one years of age who shall have died during the preceding month; and said board shall, immediately before the registration or revision thereof, in each year, cause to be arranged alphabetically, and as near as possible, according to wards in the cities, and according to election precincts in the counties, the names and late residences of all such deceased persons, and have the same printed, and furnish a copy of said printed list to each member of the board of registry of such wards or precincts for their guidance.

1896, ch. 202.

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13. Said board of supervisors shall give ten days' notice of the time and place of registration and of revision thereof, and of election, in each precinct of such county or city, by hand-bills set up in the most public places in such precinct, and also in the counties, by advertisement in two newspapers, (one of which newspapers, if possible, shall be of opposite political faith from that of the majority of said supervisors), of general circulation therein, and in the city of Baltimore, by advertisement in all the daily newspapers which will publish the same at their current rates for advertising. Said board shall make all necessary rules and regulations not inconsistent with this article, with reference to the registration of voters and the conduct of elections, and they shall have charge of, and make provisions for, all elections, general, special, local, municipal, State and county, and for all others of every description, to be held in such city or county, or any part thereof, at any time; all questions shall be decided by a majority of the board, unless otherwise expressly provided in this article; provided, however, that in any incorporated city or town in this State (other than the city of Baltimore) in which the municipal or charter elections thereof are now regulated by the Public Local Laws of the State, the conduct of such municipal or charter elections shall continue to be so regulated as heretofore, and such Public Local Laws shall continue in force therein.

#### **Registration.**

1896, ch. 202.

14. Each judge of election in the city of Baltimore and each of the two judges of election appointed before the first day of

July in the counties, as provided in section 7, shall also be an officer of registration in the district or precinct for which he shall be appointed, and the judges so appointed, when duly qualified, shall, for their respective districts or precincts, collectively, constitute the board of registry thereof. Said officers of registration and each of them, in addition to the power hereinafter conferred upon them as judges of election, shall have during the respective times of the appointed sittings of said board of registry authority to keep the peace and to preserve order and enforce obedience to their lawful commands at and around their places of registration; to keep the access to such place open and unobstructed; to prevent and suppress riots, tumult, violence and disorder, any violation of this article and all other improper practices at or around their place of registration tending to intimidation or to the obstruction of their work; they may compel, by summons or attachment, the presence of witnesses before them for any purpose connected with the duties of their office, and may commit for trial any person committing at or around their place of registration any breach of the peace or other offense forbidden by this article; they shall have the power to issue any of said summonses, attachments, or commitments when sitting in any county of this State, to the sheriff of said county or to any constable thereof, and when sitting in the city of Baltimore, to marshal of police or to any police officer of said city; all such process shall be served by said respective officers in the same manner as if they were issued by a court of record having jurisdiction of the subject matter, or by a justice of the peace exercising police powers within such respective jurisdictions. The sheriff or constable in any county of this State who shall serve any of said processes, shall receive the same fees in like manner as it is or may be by law provided, that he shall receive fees in other State cases, but no officer of police in the city of Baltimore shall charge or receive any fee for any service performed under this article; and no officer of registration shall charge or receive any compensation for any service performed under this article, except such as is herein provided. The board of police commissioners for the city of Baltimore shall detail police officers, and the sheriffs for their respective counties shall detail deputy sheriffs, by them appointed, sufficient in number to preserve

order at the places in said city of Baltimore and in said respective counties where said officers of registration may be sitting for the discharge of the duties of their respective offices.

1896, ch. 202.

*01 ch 2.* 15. The supervisors of elections shall furnish to each board of registry, for the purpose of such registration, two registry books, which it shall be the duty of said officers of registration to protect and keep safe, and the said supervisors shall designate two of said officers appointed, from different political parties, each of whom shall be charged with the custody of one of said books during the intervals between the sessions of the board of registry until the return of said books to the supervisors of elections, as hereinafter provided. Such registry books shall be prepared substantially in the following form :

Residence and Post Office Address.	Name.	Age	Nativity.	Color.	Term of Residence			Can Read.	Date of Naturalizat'n	Court.	Qualified Voter.	Date of Application.	Signature.	Why Disqualified?	Remarks.
					Precinct or District.	County or Legislative District.	State.								
240 Ohio ave. 205 Cathedral st. 181 Clark st.	Ames, William Allen, Jno. H. Abt, Christian	40 28 33	Maryland. England. Germany.	White. White. White.	6 mos. 2 yrs. 3 mos. 3 yrs. 3 yrs. 6 yrs.	10 yrs 17 yrs 6 yrs	Native. Yes. Yes.	Yes Yes Yes.	Yes May 17, 1891. July 1, 1888.	City Ct. Balto Sep. Ct. Chgo	Yes Yes Yes	Sep. 15, 1896. Sept. 15, 1896. Sept. 22, 1896.	Wm. Ames. John H. Allen Christian Abt		Voted. Voted Nov., 1897. Voted Nov., 1896. Vote Challenged.

In the counties a sufficient number of columns headed "Voted" should be provided to last until the next general registration, and in all registry-books one or more extra columns should be provided, to be used in case of special elections.

——— Register of voters, ——— precinct or district, ——— ward, ——— county (or city.)

1896, ch. 202.

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**16.** On Tuesday, seven weeks preceding the election to be held on first Tuesday after the first Monday in November, 1896, which shall occur after the enactment of this article, each board of registry shall meet at the place designated by its board of supervisors of elections, and shall proceed to make a general registration of all the voters in its precinct or district, as the case may be. The proceedings of each board of registry shall be as follows: 1. They shall open the registry in the city of Baltimore at nine o'clock A. M. and continue in session until nine o'clock P. M. on the Tuesday aforesaid. In the counties the hours of session shall be from eight o'clock A. M. to eight o'clock P. M. One of the officers of registration shall administer to all persons who shall personally apply to register, the following oath or affirmation: "You do solemnly swear (or affirm) that you will fully and truly answer all such questions as shall be put to you touching your place of residence, name, place of birth, your qualifications as a voter, and your right as such to register and vote under the laws of this State." 2. The two officers of registration designated by the supervisors to have the custody of the two registry books, or such of their colleagues as each of them may respectively ask to temporarily replace him in the discharge of this duty, shall make the entries therein required by this article, and the questions as to qualifications shall be asked by the other officers of said board. 3. The name and age of every applicant shall be entered in such registry books, and all the facts of his application shall be therein stated, as herein provided, whether he be entitled to vote or not. If it shall be determined by the board that he is not a qualified voter in the precinct, then an entry shall be made in the appropriate column, "no," and a line shall be drawn in red ink through his name, and through all the other entries on the line on which his name is written, but so that the name and said other entries shall remain legible, and if qualified, an entry shall be made in the same column, "yes." 4. Only persons constitutionally qualified to vote in the precinct at the next election, and personally applying for registration,

shall be registered as qualified voters. 5. The headings to the registry books shall be so prepared, that the registry shall be made alphabetical, according to the surname of each person applying, and so that the residence and post office address of such persons shall appear in the first column. The registers shall be ruled, and one name shall be written on each line, but no names shall be written between the lines. The entries shall be as follows: (a.) Under the column residence and post-office address, the name and number of the street, avenue or other location of the dwelling, if there be a definite number, and if there shall not be a number, or if there shall be duplicate numbers, such clear and definite description of the place of such dwelling, as shall enable it to be readily ascertained; if there shall be more than one house at the number given by the applicant as his place of residence, it shall be stated in which house he resides, and if there be more than one family residing in said house, either the floor on which he resides, or the number or location of the room or rooms occupied by him shall be stated, every floor below the level of the street or ground being designated as the basement, the floor upon or first above such level, being designated as the first floor, and each floor above that as the second or such other floor as it may be. In country precincts it shall only be necessary to give such general description as may be sufficient for identification. (b.) Under the column "name," the name of the applicant, writing the surname first, and full given or Christian name after. (c.) Under the column "age," the age of the applicant. (d.) Under the column "nativity," the State, country, empire, kingdom or dominion, as the facts shall be. (e.) Under the column "color," the words "white" or "colored," as the case may be. (f.) Under the sub-divisions of the general column "term of residence," the period by day, month or year, stated by the applicant. (g.) Under column "naturalized," the word "yes" or "no," or "native," as the fact may be. (h.) Under the column "can read," the word "no" if the applicant states that he is unable to read, and for that reason will be unable to mark his ballot without assistance. (i.) Under the column "date of naturalization," the date of naturalization, if naturalized. No natrualization papers need be produced if a majority of the board are satisfied that for three years next pre-

ceding, the applicant claiming to be naturalized has been a registered voter in this State, and has actually voted on such previous registration ; but they shall note his answers to the questions, when and in what court he was naturalized, and also in the column headed "remarks," where and when he was so previously registered. (*k.*) Under the column "court," the designation of the court in which, if naturalized, such naturalization was had. (*l.*) Under the column "qualified voter," the word "yes," if the fact shall appear or be determined by a majority of the board of registry, or the word "no," if such fact be not established to the satisfaction of a majority of the board. (*m.*) Under the column "date of application," the month, day and year when the applicant presented himself. (*n.*) After the answers of the applicant to the questions under the heads of each and all of the above-mentioned columns have been properly entered by the officers, in his presence, in both registers, and not until then, he must sign his name upon the same line under the column "signature," in each of them, unless he shall state his inability to do so, in which case the officers shall make the entry "cannot write," in the places for said signature. The board of registry shall be entitled to receive from the officers having custody thereof the last preceding registration books, for the purpose of comparison and assistance in identification ; and if any one shall apply for registration who appears in such former registry as disqualified, his name shall be entered in the new registers, but he shall be marked "disqualified," unless such grounds of disqualification shall have been removed. At the end of the day's registry said officers shall compare the two registers so kept, and cause any errors in either of them to be corrected, by aid of the entries in the other, so as to make the same agree where there is any difference between them. Each of the said officers having the custody of one of said registers shall then sign his name or initials immediately under the last name registered under each letter in the book kept by him, so that no new name can be added without discovery. The said board of registry shall keep, on blanks to be provided for that purpose by the board of supervisors of elections, an alphabetical list of the names, addresses and color of all persons registered, and a separate list of all persons refused registration, and of all persons whose names are erased from the

registry. In the city of Baltimore, at the end of each session, they shall deliver these lists to the police officer on duty at the registration office, and the list shall be delivered by the said officer to the police board and by the police board to the board of supervisors of elections, in the forenoon of the day following the said sitting. The board of supervisors for the city of Baltimore shall then cause such list to be printed in hand-bill form, in plain long primer type, and copies thereof posted within three days after each session, in such manner that they may be easily read, in at least ten prominent places in each precinct.

1896, ch. 202.

17. It shall be the duty of the board of police commissioners of Baltimore city, between the first day of September and the commencement of registration in each year, to cause a census, as nearly as possible accurate, to be made by members of the force under their command, of the legal voters resident in each precinct of the said city. The said census shall give the address of each person known or supposed by the officer of police taking it, to be a legal voter of the city, and a copy thereof for their precinct shall be furnished by the said police commissioners to each board of registry when they meet on the first day of their sessions, as hereinbefore provided. And the officer of police taking the said census shall in every case be assigned to duty at the office of registration in the precinct where he took the said census, unless, for reasons stated in writing by the marshal of police and furnished to the board of registry, in question, such assignment shall be impracticable or against the public interest.

Ibid.

18. Any voter shall be permitted to be present at the place of registration in any precinct of his county or city, and shall have the right to challenge any applicant, and when challenged, such applicant shall be carefully questioned by the board of registry touching the facts which entitle him to register in such precinct, and thereupon, if a majority of the board is convinced that such applicant is a qualified voter, he shall be entered as qualified. Any person claiming to be a voter of any precinct, and who, upon application, is denied the right to be registered as a qualified voter in said precinct, may make and sign an applica-

tion in writing under oath to the court as hereinafter provided, in substance in the following form: "I——, do solemnly swear that I did, on —— make application to the board of registry of the —— precinct or district of —— county, (or the —— precinct of the —— ward of the city of ——,) and that said board refused to register me as a qualified voter in said precinct; that I am a duly qualified voter entitled to vote in said precinct at the next election.

1896, ch. 202.

19. On the Tuesdays, respectively, six, five and four weeks preceding such regular election, and on the Wednesday next following said Tuesdays, respectively, said board of registry shall again meet at the place designated and shall remain in session during the hours prescribed in section 16, for the purpose of registering all qualified voters not before registered who shall apply in person to be registered, and also for the purpose of noting the names of any person on such registry whom they suspect not to be qualified voters. The same forms shall be observed as to the applications made on these days as were required on the former day of registration. If any voter of the ward or county shall go before the board of registry during such sessions and make oath that he believes any specified person upon such registry is not a qualified voter, such fact shall be noted. At the end of the registration for each of these days, the registers shall be examined, compared and made to agree; and they shall then be signed immediately, under the last name registered, under each letter in the same way as hereinbefore provided.

Ibid.

20. Before separating on the last day, said board of registry shall make out and deliver to one of their number chosen by lot, as clerk, a list with the registered address of all those who have been registered as qualified voters, whom either one of the officers of registration suspects not to be qualified voters, or against whom any voter of the ward or county may have made complaint, as above provided. If said board of registry shall, however, know that any person so complained of is a qualified voter, then such name need not be put upon the list of suspected persons, unless required by a member of the board. The officer

of registration to whom such list has been delivered, shall, on or before the Friday next following, sign a notice, and send the same through the mail, duly stamped, to the address as given in the registry, of each person who is upon such suspected list, requiring such person to appear before the board of registry upon the Tuesday following, giving the time of such session, and show cause why his name should not be erased from such registers; proper blanks and postage stamps shall be furnished for this purpose by the board of supervisors. A similar notice shall also be served by said officer, so acting as clerk, upon such person before the following Tuesday, and if he cannot be found at the place designated upon said registers, the notice may be left there, if such place can be found. Any officer of registration, or other person acting temporarily as such as hereinafter provided, who wilfully neglects to perform his duty touching such scrutiny, shall be deemed guilty of a misdemeanor, and on conviction, shall be imprisoned in jail not less than thirty days, nor more than sixty days. In case of temporary disability on the part of said officer acting as clerk, the board of registry may appoint a temporary clerk belonging to the same party, and administer to him the usual oath of office, and said temporary clerk shall perform all the duties of the office, until the disability of the regular clerk is removed. And it shall also be the duty of each of the other officers of registration, so far as may be in his power, to inform himself as to all the persons whose names may be on such suspected list.

1896, ch. 202.

1902  
§. 193. 21. On the Tuesday, three weeks preceding such regular election, said board of registry shall again meet at the place designated, and they shall remain in session during the hours prescribed in section 16, for the sole purpose of revising their registry, and no new name shall be added. At the beginning of the session the officer of registration to whom such suspected list was delivered, shall make affidavit as to the mailing of the notices sent by him, and to whom directed, and where, and as to the personal service upon such person, or as to the leaving of the same at his place of residence so designated; and if any person to whom such notice was sent, shall appear before the

board of registry during that session, he shall make and sign an affidavit in substance as follows : "I do solemnly swear that I am a citizen of the United States, and that I have resided in the——precinct of the——ward, in the city of—— (or——district of —— county) in the State of Maryland, from the—— day of —— up to the —— day of ——, 18——, and that I have not since acquired a legal residence giving me the right to vote elsewhere." If it is charged that he has been convicted of any infamous crime and has not been pardoned, he shall further make oath that he has never been so convicted, or if convicted, that he was pardoned at a time stated. This affidavit shall be signed and sworn to before one of such board of registry, and it shall be preserved and filed in the office of the board of supervisors of elections. Thereupon said board of registry shall further examine him, and shall also swear the officer of registration who has made the inquiry and hear him upon the question, and they shall also have the power to examine on oath any other witness that may appear or be produced before them in regard to the matter, and make any further examination or inquiry that they may deem proper ; and if, after such further examination and hearing, the majority of said board are of the opinion that such person is not a qualified voter in such precinct, they shall draw a line in red ink through his name and through all other entries on the line on which said name is written, but so that the name and said other entries shall remain legible, which memorandum, in case of any registration shall indicate that the name of such person is erased from the registry, and such person shall not be entitled to vote unless his name be restored as hereinafter provided. During the last hour of said session if any person so notified to appear at such sessions has not yet appeared and shown cause why his name should not be erased from the registry, the same shall be so erased in the manner aforesaid, unless a majority of the board are satisfied of their own knowledge or upon competent testimony that such person is entitled to have his name retained on the registry ; and under the head of "remarks," opposite each name erased, shall be stated the facts as to such erasure, the date of making the same, and the grounds and evidence on which it was made.

1896, ch. 203.

**22.** At the end of the last session above provided for, the said board of registry shall compare and correct the two registers and make them agree, and the officers having them, respectively, in their custody, shall then immediately, under the last name registered under each letter of the registers, sign their names, so that no other names can be added without discovery; all of said officers of registration shall then subscribe, at the end of each register, a certificate, in substance, in the words following: We, the undersigned, constituting the board of registry in precinct or district of ——— county, (or in ——— precinct ——— of the ——— ward of the city of ———,) in the State of Maryland, do jointly and severally certify that, at the general registration of voters in said precinct, closed on this ——— day of ———, there were registered by us, in said precinct, the names which in this book are entered, and that the number of registered and qualified voters was and is the number of (Signature.)

Dated ———

During the next day the board of registry shall return the two registers to board of supervisors of elections, and in the counties, the said boards of registry shall, at the same time, return the alphabetical list of the names, color and addresses of the persons registered and erased by them, and in Baltimore city, the boards of registry shall, at the same time, return the lists made by them at their last session; and the said boards of supervisors shall at once cause said alphabetical lists to be printed in hand bill form in long primer type, and copies thereof posted, within three days after the return of said lists, as aforesaid, in such manner that they may be easily read, in at least ten prominent places in the respective precincts. The board of supervisors in the city of Baltimore and in the several counties, shall cause to be printed at least ten extra copies of all the hand-bills prepared by them, respectively, under this article, and as many more copies as may be required to supply all demands for any of them made, with the tender of the price before the printing thereof, which copies they shall sell to the public at five cents per copy, the proceeds of said sales to be applied towards paying the expenses of printing the same. The said boards of supervisors shall furnish to anyone making written application therefor, within ten days

after such application has been received, or in less time, if practicable, a certified copy, under their hands, of the names, addresses, color and ages of all persons registered in any ward in said city, or in any election precinct or district of said county for the sum of fifteen dollars per ward in said city, and two dollars for a single precinct, and for the sum of half a cent for each voter's name on said registry in the counties, which said sum shall be applied towards paying the expenses of making said certified copies. It shall be the duty of the said supervisors to make proper provision in advance, so that they will be able to make and furnish such copies when ordered, as hereinbefore required.

1896, ch. 202.

**23.** Any person who feels aggrieved by the action of any board of registry in refusing to register him as a qualified voter, or in erasing or misspelling his name, or that of any other person on the registry, or in registering or failing to erase the name of any fictitious, deceased or disqualified person, may, at any time, either before or after the last session of the board of registry, but not later than the Saturday next preceding the election, if in the city of Baltimore, and not later than the Tuesday next preceding the election, if in the counties, file a petition, verified by affidavit, in the circuit court for the county, or if the cause of complaint arises in Baltimore city, in any court of Baltimore city, setting forth the ground of his application, and asking to have the registry corrected. The Court shall forthwith set the petition for hearing, and direct summons to be issued requiring the board of registry to attend at the hearing or by counsel; and when the object of the petition is to strike off the name of any person alleged to be fictitious, deceased or disqualified, summons shall also be issued to such person, which shall be served by the sheriff within the time therein designated, at his place of residence given in the registry. If the petition shall allege that any person registered in any precinct does not reside in such precinct, it shall be sufficient for the petitioner to show that the person to whose registration he objects, did not at the time when he was so registered, reside at the particular house or place described as his residence on the registry; but the person to whose registration objection is so made shall have the right to show by affirmative

proof that, although he may not have had a legal residence at the place described by him as his residence at the time of his registration, he had at such time a legal residence in the said precinct. In determining whether any person is or is not a resident of any voting precinct, it shall be presumed that if a person is shown to have acquired a residence in one locality, he retains the same until it is affirmatively shown that he has acquired a residence in another locality, and it shall also be presumed that if a person is shown not to reside at the dwelling given in the entries relating to him on the registration books, he is not a resident of the said precinct, unless it should be affirmatively shown that he is such resident, and the entries made in such registration books shall not be considered by the court as evidence of any fact therein stated, but the case shall be heard *de novo*. At the hearing, evidence, subject only to the ordinary rules of evidence, (as modified by the provisions of this section,) may be introduced for or against the application, and the judge shall dispose of the matter summarily, by granting or refusing the order prayed, and the clerk of the court shall make a minute of the proceeding. The cost of proceedings in all such appeal cases shall from and after the passage of this act be one-half of those provided for and usual under existing law. If the board of registry shall have returned the registers to the supervisors of elections, a certified copy of any such order granted by the court shall be delivered to said supervisors, who shall, thereupon, make the required correction upon the proper registers, and under the head of "Remarks," note that the same was made under such order of court. The court may enforce any such order by attachment, as in proceedings for contempt. No person admitted to the registry by order of court shall be protected by such order if prosecuted for false registration or false voting. In all such cases, the petitioner may be represented by counsel, and in disposing of the petition, the court shall have discretion to impose the costs upon the petitioner, the county commissioners or the Mayor and city council of Baltimore or the board of registry or any member or members thereof, as justice and equity may require; but no attorney's appearance fee shall be taxed as part of such costs. In Baltimore city, the Supreme Bench shall, from time to time, assign a judge or judges before whom, or any of whom, such

petitions shall be heard, and neither party shall have any right of removal. Exceptions may be taken to any ruling of the court at the hearing of any such petitions and appeal allowed to the Court of Appeals, as in other cases; all such appeals shall be taken within five days from the date of the decision complained of, and shall be heard and decided by the Court of Appeals, as soon after the transmission of the record as may be practicable.

Turner v. Crosby, 85 Md. 180. Ritter v. Etchison, 86 Md. 297-8.

1896, ch. 202.

**24.** In the counties a new general registration shall be made by each board of registry at intervals of eight years after that herein provided for by section sixteen (16)—that is to say, prior to every alternate presidential election after that of 1896. Such new general registration shall be made in the same way and under the same rules and provisions in all respects as are herein prescribed for the first general registration hereunder.

1904  
ch. 25

Ibid.

**25.** In the city of Baltimore there shall be an annual registration, which shall be conducted under the same rules and provisions in all respects as are herein prescribed for the first general registration under this article, except that whenever in a year in which there is not a general registration in the counties any person applies for registration in Baltimore city who was a registered voter in any election district or precinct in any county of the State at the close of the last preceding registration in said city, he shall be required before he shall be entered as a qualified voter to produce and file a removal certificate in the form hereinafter set forth.

1904  
ch. 25

25 A. added 1901 ch. 2.

25 B. " 1902 ch. 133.

25 C. " Intermediate Registration.

25 C. " 1902 ch. 522.

Ibid

**26.** Before every November election held in the counties between the general registration hereinbefore provided for, the last general registration shall be revised by the board of registry of each precinct where such election is to be held; and for that purpose the board of registry shall meet on the Tuesdays, respectively, five and four weeks preceding the regular fall election, and shall hold a session from 8 o'clock A. M. to 7 o'clock P. M., and

names may be added on the registers in the same way, upon sworn application, as in the case of a general registration, and all the same forms and requirements shall be observed. If it shall appear that any applicant had been upon the registry in any other precinct of any county at any time since the beginning of the last general registration for such precinct, his name shall not be added to the registry where application is made until he produces a certificate of removal given him by the board of supervisors of said county, or by the board of registry for such other precincts, which certificate shall be in substance as follows: "—— precinct, —— ward or county. This is to certify that the name of ——, heretofore residing at ——, in this precinct, has been stricken from the registry of the precinct and the proper erasure made, and that upon the registers of this precinct the following entries appear with reference to him: Name ——, age ——, color ——, residence ——, nativity ——, time of residence in precinct ——, time of residence in county (or city) ——, time of residence in State ——, naturalized ——, date of papers ——, court ——, qualified voter ——, date of application ——.

\_\_\_\_\_,  
*Board of Supervisors of Elections, (or of Registry.)*"

The foregoing certificate shall be granted by the board of registry when in session, or by the board of supervisors of elections prior to said session of the board of registry, under the following regulations—that is to say: If at the time application for said removal certificate is made, the name of the said voter is already erased from the registry, then it shall be the duty of the said board of supervisors or the said board of registry to grant the certificate to the voter himself or to any other person making application therefor. But if at the time such application is made the name of the voter be still upon the registry of voters as a qualified voter, the removal certificate shall be granted and the name stricken off only upon the personal application of such voter to the board of supervisors or to the said board of registry, and after his taking and subscribing an oath substantially as follows: "I, ——, do solemnly swear (or affirm) that I now reside at ——, in —— county; that I am the same person who is entered by that name as a qualified voter in the registers of the

— precinct of — county ; that I have removed from the said last mentioned residence, and I do request that the proper entries and records be made, and that my names be erased from the registers of said last mentioned precinct, and that a certificate of removal be furnished me at this time.” The foregoing affidavit shall be written or printed on the back of such certificate of removal, and when presented to the board of registry of the precinct in which such applicant resides, it shall be taken by said board and returned to the office of supervisors of elections. When such certificate shall be granted, either by the board of registry or by the supervisors of elections, as the case may be, the name of such applicant shall be erased from the registers of the precinct from which he removed.

1896, ch. 202.

**27.** At the end of each of such sessions the registers shall be made to agree, where there is any difference between them, and then the officers of registration having the custody thereof shall sign their names or initials in their respective registry books immediately under the last name registered under each letter on said registers, so that no new name can be added thereto without discovery.

Ibid.

**28.** It shall be the duty of the board of registry, after the close of the last-mentioned session, to note for erasure from such registry the names of all persons known or supposed to be dead, and the names of all persons who are suspected of being disqualified under sections 2 and 3 of article 1 of the Constitution of the State, and the names of all persons who are supposed to have removed from such precinct and have not taken out removal papers, and of all persons who are suspected to be otherwise disqualified as voters, and they shall, before separating, make out a list of all persons so noted for erasure, with the address as the same appears upon the registers. In making out such list said board of registry shall treat as persons suspected of not being qualified voters, all persons against whom a sworn complaint is filed by any voter in the ward or county. Such complaint shall be, in substance, as follows: “I, ———, a voter of ——— county, do solemnly swear that I believe ———, who professes

to reside at ———, is not a qualified voter in the ——— precinct of ——— county, on the ground" (here state reasons.) If a majority of the board know or are satisfied that such complaint is untrue, they need not note such name for erasure, unless required by a member of the board. Said list shall be arranged under the following headings: "Disqualified Voters," under which shall be placed the name of persons suspected to be disqualified under sections 2 and 3 of article I of the Constitution, or otherwise; "Deceased Voters," under which shall be placed all who are known or supposed to be dead; "Removed," under which shall be placed all who are known or supposed to have removed from their last address. The member of the board acting as clerk shall forthwith ascertain the facts as to all such persons on said list in the manner hereinbefore provided in the case of the first registration, and shall give such persons the notice provided for in the case of the first registration.

1896, ch. 202.

**29.** The board of registry shall again meet, for revision, on Tuesday three weeks before such election, and a session shall then be held from 8 A. M. until 7 o'clock P. M. At such meeting the officer who last acted as clerk shall file with said board an affidavit of the facts noted by him as to the persons on said suspected list, giving the names and address of those not found, and also the names and address of those actually served with such notice, or served by leaving the notice at the designated place of residence, stating how service was made, and also stating the names and address of all those to whom such notice was mailed, and when mailed. No new name shall be added at such meeting.

Ibid.

**30.** At such meeting, both of the registers shall again be produced, and said board shall hear every person that appears before them to whom notice was sent, to show cause why his name should not be erased from said register, in the same manner provided for in case of the general registration; and if a majority of said board shall decide that such person is not a qualified voter, his name shall be erased from the registers. Evidence on either side may be heard, and all witnesses or parties shall be

sworn. If qualified voters so noted as dead or removed are not dead or have not removed, their names shall stand, but if any person so notified does not appear at such session and show cause why his name should not be erased, the board shall during the last hour of such session, cause his name to be erased and marked as disqualified, dead or removed as the case may be, unless a majority of the board are satisfied, of their own knowledge, or upon competent evidence, that such person is entitled to have his name retained on the registry; and under the head of "remarks" opposite each name erased, shall be stated the facts as to such erasure, the grounds and date of making the same, and the evidence on which it was made. The two registers shall then be compared and made to agree, where there is any difference, and such revision of the registry by said board of registry shall then be considered closed, and no other name can be added by said board, and a certificate of the number of qualified voters shall then be made and signed on the registers. The registers shall, by noon of the second day thereafter, be returned to the supervisors of elections, with the alphabetical list, as required in section 22.

1896, ch. 202.

**31.** The board of supervisors of elections shall, immediately upon the return of said registers, cause a suitable number of copies of the alphabetical list of names registered or erased in each precinct to be printed and written three days after such return of the lists, and cause copies thereof to be posted and to be given to the judges and clerks, and to be sold, as before provided, in case of general registration.

Ibid.

**32.** Any person who feels aggrieved for any of the causes mentioned in section 23 of this article, which may have risen in the course of such revision, may file a petition as provided for the first general registration, and thereupon the same proceeding shall be had, and the same forms and methods shall be used as in case of similar petitions under the said section 23.

1896, ch. 202.

**33.** The place of any officer of registration who may be absent on any day of registration or revision shall be filled by the other members of the board then present, always selecting a person of the same political party as the absent person, and the same oath shall be administered by one of the members of said board, then present to such temporary officer of registration as provided in the case of the regular officers of registration; whenever the regular officer shall return or be present, the temporary incumbent shall vacate his office. The appointment and swearing in of all such substitutes, and the reasons therefor, and the time when such substitutes began and ceased to serve as officers of registration, shall be noted by the board in the registers.

Ibid.

**34.** There shall not be a previous revision of the registry before any special election, but at such election the registry books as last prepared or revised shall be used. In the year eighteen hundred and ninety-seven, however, and every second year thereafter, the books of registration for the city of Annapolis shall be opened by the several boards of registry for the wards or precincts thereof, on the second Monday, and the following Tuesday in those years, for the purpose of registering new voters and for the correction of said books of registration prior to the the biennial municipal elections in said city in the month of July, and of those sittings of the said boards of registry, ten days' previous public notice shall be given by the board of supervisors of Anne Arundel county, directed by section thirteen.

Ibid.

**35.** The board of supervisors of elections, the board of registry and each member of said board of registry shall, without fee or reward, whenever the said registers, or any one of them, in its or his custody, permit the same to be freely inspected by anyone wishing so to do, such inspections shall be made in the presence of a member or members of the said board of supervisors, or of one of their clerks, or of the said board of registry, or of those members of the board of registry, in whose custody the said registers may be, and not otherwise. Said board of supervisors and said board of registry shall, upon application, furnish a copy

of any entry in said register, and said copy, under their hands, shall be evidence in any court or before any officer, of the matter therein contained.

### **Nominations.**

1896, ch. 202.

**36.** Any convention or primary meeting, as hereafter defined, held for the purpose of making nominations to public office, and also voters to the number hereinafter specified, may nominate candidates for public office, to be filled by election within the State. A convention or primary meeting, within the meaning of this article, is an organized assemblage of delegates or voters, representing a political party or principle which at the last election before the holding of such convention, polled at least one per cent. of the entire vote cast in the State, county or other division or district for which the nomination is made. Nominations may be made by means of primary elections without the intervention of any convention, by any party which, at the last preceding election, polled the requisite proportion of votes as hereinbefore specified.

*Ibid.*

*1 ch 2.*

**37.** All nominations made by such convention or primary meeting shall be certified as follows: The certificate of nomination shall be in writing, shall contain the name of each person nominated, his residence, his business, his business address and the office for which he is nominated, and shall designate, in not more than five words the party or principle which such convention or primary meetings represent. It shall be signed by the presiding officer and secretary of such convention, who shall add to their signatures their respective places of residence, their business and business address, and acknowledge the same before an officer duly authorized to take acknowledgments, who shall append a certificate of such acknowledgment thereto. If the nomination is by means of a primary election, the certificate shall be signed and acknowledged by the person or persons whose duty it may be, by party usage, to declare the result of such election in the manner prescribed for a nomination by a convention. A party emblem or device may be added to the certificate, provided it shall be referred to and identified in said

acknowledgment. It may consist of one object or of several objects in combination, and when printed on its proper ballot, shall not occupy more than two and one-half inches in height and two inches in breadth. Said emblem must not, in the judgment of the officer or officers with whom the certificate is filed, too closely resemble any other party emblem previously designated.

1896, ch. 202.

**38.** A candidate for public office may be nominated otherwise than by a convention or primary election in the manner following: A certificate of nomination containing the names of a candidate for the office to be filled, with such information as is required to be given in certificates provided for in section 37 of this article, with the additional statement that the persons signing the same intend to vote for the person to be nominated thereby, shall be signed by voters in numbers as follows, residing in the political division in and for which the officer is to be elected—that is to say: the number of signatures so required shall not be less than five hundred when the nomination is for an office to be filled by an election participated in by the voters of the entire State, and not less than three hundred when the nomination is for an office to be filled by an election to be participated in by the voters of an entire congressional district or of the entire cities of Baltimore, Annapolis, Frederick, Cumberland or Hagerstown, and not less than two hundred for nominations for all other elections; and provided, also, that the said signatures need not all be appended to one paper; but if the signatures are appended to more than one paper, all such papers must be fastened together and filed as one certificate. Each signer shall append to his signature his residence, occupation and place of business, and every such paper shall be accompanied by an affidavit or affidavits made before a justice of the peace by one or more persons known personally to the justice and so certified by him and signed by the affiant or affiants, to the effect that the signers are known to such affiant or affiants to be registered voters of the district or precinct in which they respectively reside, and that the said affiant or affiants personally saw the signers in regard to whom he or they may make oath

sign such paper, and any wilfully false statement in such affidavit or affidavits or affirmation shall be deemed a misdemeanor, and shall subject the person making the same to the fines and penalties prescribed by the law of this State for the crime of perjury.

1896, ch. 202.

**39.** Certificates of nomination shall be filed with the Secretary of State for the nomination of members of Congress or of candidates for offices to be filled by voters of the entire State or of any division of a greater extent than one county. For all other nominations to public offices certificates of nomination shall be filed with the supervisors of elections of the respective counties or of Baltimore city, as the case may be, wherein the offices are to be filled by the voters.

Ibid.

**40.** No certificate of nomination shall contain the name of more than one nominee for each office to be filled. No person shall join in nominating more than one nominee for each office to be filled, and no person shall accept a nomination to more than one office.

Ibid.

**41.** The Secretary of State and the several boards of supervisors of elections shall cause to be preserved in their respective offices, for two years, all certificates of nomination filed with them under the provisions of this article. All such certificates shall be open to public inspection.

Ibid.

**42.** Except in cases provided for by section 46, and cases of special elections to fill vacancies in office caused by death, resignation or otherwise, such certificates of nomination shall be filed, respectively, with the Secretary of State not less than twenty days, and with the boards of supervisors of elections not less than ten days before the day of election. 1902 ch. 131

Ibid.

**43.** Not less than eighteen days before an election to fill any public office, the Secretary of State shall certify to the supervisors of elections of each county, within which any of the voters

may, by law, vote for candidates for such office, the name and description of each person nominated for such office, as specified in the certificates of nomination filed with the Secretary of State, and shall certify the same to the supervisors of elections of Baltimore city, if any of the voters of said city may, by law, vote for candidates for such office.

1896, ch. 202.

44. At least eight days before an election to fill any public office, the supervisors of elections of each county and of the city of Baltimore, shall cause to be published in two or more newspapers within such county, and in all the daily papers published in said city, which will publish the same at their current rates for advertising, the nominations to office which have then been filed with or certified to them under the provisions of this article. If in any county there be but one newspaper published, publication in such one newspaper shall be sufficient. They shall make not less than two such publications in each of such newspapers before the day of election, and one of such publications in each newspaper shall be upon the last day upon which said newspaper is issued before the day of election. Such publication shall be made in newspapers devoted to the dissemination of general news, and the two newspapers selected shall, if possible, represent the political parties which at the last preceding election cast the largest and next largest number of votes. The list of nominations published by the supervisors of elections shall be arranged, so far as practicable, in the order and form in which they are to be printed upon the ballots.

Ibid.

45. Whenever any person nominated for public office, as in this article provided, shall, at least ten days before election, in a writing signed by him and acknowledged before a justice of the peace, or if he be out of the State at the time, before a notary public, notifying the officer with whom the certificate nominating him is, by this article, required to be filed, that he declines such nomination, such nomination shall be void, and the name of any person so declining shall not be printed upon the ballots.

1896, ch. 202.

**46.** Should any person so nominated die before election day or decline the nomination, as in this article provided, or should any certificate of nomination be or become insufficient or inoperative from any cause, the vacancy or vacancies thus occasioned may be filled in the manner required for original nominations. If the original nomination was made by a party convention which had delegated to a committee the power to fill vacancies, such committee may, upon the occurring of such vacancies, proceed to fill the same; the chairman and secretary of such committee shall thereupon make and file with the proper officer a certificate setting forth the cause of the vacancy, the name of the person nominated, the office for which he was nominated, the name of the person for whom the new nominee is to be substituted, the fact that the committee was authorized to fill vacancies, and such further information as is required to be given in an original certificate of nomination; the certificate so made shall be executed and acknowledged in the manner prescribed for the original certificate of nomination, and shall, except in case of a nominee dying, be filed at least eight days before the day of election, and in cases of either resignation or death, shall be filed within six days after the vacancy shall have occurred, and upon being so filed have the same force and effect as an original certificate of nomination. When such certificate shall be so filed with the Secretary of State, he shall, in certifying the nomination to the supervisors of elections, insert the name of the person who has been thus nominated to fill a vacancy in place of that of the original nominee; and in case he has already sent forth his certificate he shall forthwith certify to the supervisors the name and description of the person so nominated to fill a vacancy, the office for which he is nominated, the party or political principle he represents, and the name of the person for whom he is substituted. In the case, however, of any nominee dying within so short a time before the day of election, that the certificate of nomination of the new nominee shall not have been filed with or certified to the supervisors of elections until after six days before the day of election, thus being too late for the name of the new nominee to be printed on the ballots in any county or the city of Baltimore, as hereinafter provided, the

board of supervisors of such county or city shall at once cause to be printed a sufficient number of stickers bearing the name of such substituted nominee, and shall deliver the same in due time to the judges of election for all of those precincts in said county or city wherein said nominee may be voted for, and said judges shall affix such stickers in the proper place on each ticket before it is given out to the voter. If the resignation or disqualification or death and consequent change of nominee shall have occurred and been made after the first publication provided for in section 44, and before the second publication, the board of supervisors shall, if possible, make the proper change in the second publication.

1896, ch. 202.

**47.** Whenever a proposed constitution or constitutional amendment, or other question, is submitted for popular approval to the voters of the State, the Secretary of State shall duly, and not less than thirty days before the election, certify the same to the supervisors of elections in the counties and the city of Baltimore, and, thereupon, the said supervisors shall include the same in the publication provided for in section 44 of this article. If questions of local concern are to be submitted for approval to the vote of the people of a county or a municipality, the same shall be certified to said supervisors of elections within said period by the county commissioners or the register of the city of Baltimore, as the case may be, and shall be advertised as herein provided in the case of nominees for county or city offices.

#### **Ballots and Ballot-Boxes.**

*Ibid.*

**48.** All ballots cast in elections for public officers within this State shall be printed and distributed, as hereinafter provided. The printing of ballots and cards of instruction for the voters in each county and the city of Baltimore, and the delivery of the same to the judges of election, as provided in this article, shall be at public expense, the payment of which shall be provided for by the several counties and the city of Baltimore respectively. All ballot-boxes shall be constructed as follows: Each box shall be one foot, outside measure, as near as may be,

in width and length, and eighteen inches in depth, strapped and secured on each edge and corner, with brass mouldings, securely brazed or soldered together at the junctions thereof, so as to prevent it from being easily broken; it shall have a strong wooden lid, which shall be fastened to the box with brass or iron hinges, not accessible from the outside, and shall have a good Yale lock; there shall be a slit in the lid just large enough to admit a single folded ballot at one time, and the sides and bottom of the box shall be of clear plate glass, not less than one-eighth of an inch in thickness. Each such box, when not in actual use at a polling place, shall be kept in a wooden case, for the protection of the same and its contents in the transportation and storage thereof.

1896, ch. 202.

1 ch 2 49. It shall be the duty of the board of supervisors of elections of each county and of the city of Baltimore to provide ballots for every election for public officers held under this article in which any voters within the county or said city shall participate, and to cause to be printed on the ballot the name of every candidate whose name has been certified to or filed with the proper officers in the manner herein provided for; but the said supervisors shall not be required to print any name upon a ballot if the same shall not have been certified to them at least six days before election day. Each ballot shall also contain a statement of every constitutional amendment or other question to be submitted to the vote of the people at any election. Ballots other than those printed by the respective boards of supervisors of elections, according to the provisions of this article, shall not be cast or counted in any election, except as hereinafter provided. Nothing in this article contained shall prevent any voter from writing on his ballot and marking in the proper place the name of any person other than those already printed for whom he may desire to vote for any office, and such votes shall be counted the same as if the name of such person had been printed upon the ballot and marked by the voter. Any voter may take with him into the polling place any printed or written memorandum or paper to assist him in marking or preparing his ballot, except a fac-simile of the ballot to be voted. Ballots shall be printed and in possession of the supervisors of elections at

least four days before election day, and shall be subject to the inspection of the candidates and their agents. If any mistake be discovered, it shall be the duty of said supervisors to correct the same without delay; and if said supervisors shall decline or refuse to make correction, then, upon the sworn petition of any qualified voter who would have the right to vote for such candidate at the approaching election, the circuit court for the county or one of the judges of the Supreme Bench of Baltimore city may, by order, require said supervisors of elections to correct such error, or to show cause why such error should not be corrected.

Wells v. Munroe, 86 Md. 447.

1896, ch. 202.

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**50.** The form and arrangement of the ballots shall be as follows: All ballots shall contain the name of every candidate whose nomination for any office specified in the ballot has been certified to and filed according to the provisions of this article and not withdrawn in accordance herewith, and shall contain no other names, except that in the case of electors for President and Vice-President of the United States, the names of the candidates for President and Vice-President may be added to the party or political designation, and the name of a city or county in which a candidate resides shall be added to the name of each candidate on ballots for State offices. The names of candidates nominated by each party shall be grouped together upon each ballot, and each group shall be headed by the name of the political party by which the candidates comprised in said group were placed in nomination, as described in the certificate of nomination. When the name of a political party is given in connection with the name of a candidate nominated as provided in section 38 of this article, it shall be stated on the ballot; but if there shall have been any nomination for the same office by a convention or primary election claiming the same party name, duly certified, as hereinbefore provided, the word "independent" shall precede the party name if the candidate is nominated under the provisions of the said section 38. If the same party name or emblem shall be claimed on behalf of nominations made by more than one convention or primary election and duly certified, as aforesaid, the officers by whom the ballot is to be prepared, or a

majority of them, shall determine which nominees are justly entitled to the party designation or emblem, and the word "independent" shall precede the party name of the other group or groups of nominees, and the emblem shall be omitted from such "independent" group or groups. Said groups shall be printed on said ballots in columns parallel to each other, the group representing the party polling the largest number of votes for Governor in the State at the last gubernatorial election being placed first or at the left of said groups; the group representing the party polling the next largest number of votes at said election being placed second; and the group representing the party polling the next largest number of votes at such election third, and so on. Candidates of parties not having made nominations at the last gubernatorial election and other independent candidates, shall be arranged in like groups, according to the date of filing the certificates of nomination. If a candidate is named for the same office on two or more certificates of nomination, his name shall be placed in each of the several appropriate groups. Above the party name shall be printed the party emblem, if any, the size whereof shall not exceed two and one-half inches in height and two inches in breadth. Any party in State convention or by State committee may select any emblem, which shall be certified at the time and in the same manner that the nominations are certified, and which shall be the emblem of the party throughout the State, until changed by like authority. In case the same emblem is selected by two or more parties, it shall be the emblem of the party whose certificate is first filed, and the other party may, in like manner, certify another. Where candidates have been nominated in any other manner than by a convention or primary election, or by a committee acting under the authority of a convention, an emblem may be adopted and certified in the manner aforesaid; provided, that the emblem selected, shall not be one already appropriated to a political party.

1896, ch. 202.

1 ch 2 51. Said groups shall contain the names of the officers to be voted for, and under each office the name or names of the candidates in the same order in each group or column, so that, as far as possible, candidates for the same office in the various groups

may be opposite to each other and on the same horizontal line upon the ticket, with a reasonable space between said names. Between the groups and to the right of each group, there shall be a ruled column of one-third of an inch in width, parallel to said groups and close to the group to its left. Between the names of the candidates in said groups and across said ruled column shall be drawn lines, so that in the parallelogram or space so formed, the voter may clearly indicate, in the way hereinafter pointed out, the candidate or candidates for whom he wished to cast his ballot. On said ballot and following the groups aforesaid containing the candidates of parties mentioned, as hereinbefore provided, there shall be a space equal in width to that occupied by a single group, which shall contain the names of the offices to be filled at such election with lines drawn between the same, inclosing spaces equal in number to the candidates for each office to be voted for. Said lines shall extend through a column of one-third of an inch in width, so that the same shall be similar to the lines and columns of a group containing the names of candidates. In the spaces so provided, a voter may write and mark the name of any person for whom he desires to vote. If at such election there be a constitutional question or any question to be submitted to the popular vote the said question shall be placed upon said ballot in the form following: "For constitutional amendment," "against constitutional amendment," or "for proposition," "against proposition," and said respective questions shall be placed in a column or group and have lines drawn under the same, crossing a column, as hereinbefore mentioned, so that the same shall form a parallelogram or space, where the voter may clearly indicate, in the way hereinafter pointed out, whether he shall wish to cast his ballot for or against the proposition or propositions submitted.

1896, ch. 202.

**52.** Said ballots shall be printed upon plain white printing paper of ordinary book weight, in black ink, and in clear legible type. On the back and outside shall be printed the words, "official ballot for," followed by the designation of the polling place for which it is prepared, the date of the election, and a fac-simile of the signature of the president of the board of supervisors of elections by whom the ballot has been pre-

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pared. Said ballot shall be printed on the same leaf, with a detachable stub or coupon one inch high and three inches wide, above the upper right hand corner of the ballot, and binding on the upper edge thereof, but separated therefrom by line running along the entire width of said coupon. Upon said coupon shall be printed the words "voter's name," with a line drawn thereunder for writing said name, and under the said line the words "number of voter," followed by a blank space for the insertion of number. Before distribution said ballots shall be so folded in marked creases that no part of the marks or printing thereon, excepting that upon the back and outside, and that upon the detachable stub or coupon, shall be visible, and so that the folded ballots shall be of uniform width and length and of proper width to be deposited in the ballot-boxes. All ballots, when printed, shall be folded as above provided, and fastened together in convenient numbers in packages, books or blocks, so that each ballot may be detached and removed separately. The said boards of supervisors of elections, respectively, shall, four days at least prior to the day of any election in their respective counties and in said city, cause to be conspicuously and securely posted in one or more public places in each voting precinct of their respective counties, or of said city, accurate sample copies of the ballots to be used in such district or precinct at the then approaching election; such sample copies shall be printed on light card board or heavy sized paper, and one of them at least shall be placed upon the exterior of each building in which the polls will be held, so that the same can be readily seen and examined by persons passing on the street or road.

1896, ch. 202.

**53.** The supervisors of elections shall provide for each election precinct in the several counties and in the city of Baltimore, two packages, each containing one hundred ballots for every one hundred or fraction of one hundred voters shown by the last preceding registration in said precinct, and shall cause each package to be sealed and clearly marked on the outside of its wrapper with the name of the precinct or polling place for which it is intended and the number of ballots enclosed. One of said two packages shall be delivered to the judges of elections

with the ballot-boxes, poll-books, blanks and stationery, as provided in section 54 of this article, and the other package of tickets, one for every precinct, shall be delivered by said board of supervisors of elections, a sufficient time before the election, to the sheriffs of their respective counties or to the board of police commissioners of Baltimore city, as the case may be, and it shall be the duty of the said sheriffs and board of police commissioners to have them on the day of election within said polling places, respectively, in their charge, or that of an officer designated by them, and to supply them to any judges of election, who shall then make requisition therefor in writing, stating their first supply of ballots has been exhausted or that for any cause the second set is needed. Said sheriffs and board of police commissioners shall receipt for the same, and keep a record of all such second sets of ballots so delivered by them to the judges of election, and they shall, on the day after the election, return all packages not so delivered to their respective boards of supervisors of elections, who shall cause them to be destroyed within ten days thereafter, unless the destruction thereof be stayed by order of court pending a contest. The several boards of supervisors shall keep a record of the number of all ballots printed for each polling place in their respective counties or city, and shall preserve the same for at least six months after the election for which it was made.

#### **Elections.**

1896, ch. 202.

**54.** The supervisors of elections of Baltimore city shall, not more than three days and not less than one day preceding the election, deliver to the board of police commissioners of the city of Baltimore, the two registers of every precinct of said city, together with the cards of instruction and ballot-box therefor, the latter being locked, with the key in the lock, and containing one of the sealed packages of ballots for said precinct, the specimen ballots, the two poll-books and all blanks, indelible pencils and stationery required for such election; and the supervisors of elections of the several counties shall, within the same period prior to every election, make up into sealed packages for each precinct the two registers for said precinct,

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together with the cards of instruction and the key of the ballot-box for such precinct, having first placed in the ballot-box one of the sealed packages of ballots for said precincts, the specimen ballots, the two poll-books and all blanks, indelible pencils and stationery required for such elections, and shall deliver the said packages and ballot-boxes, properly addressed, to the sheriff of the county, and the said board of police commissioners and sheriff shall, respectively, receipt therefor, and shall deliver or cause the same to be delivered to the judges of election of the respective precincts at or before the opening of the polls on the day of election. The several boards of supervisors shall keep a record of the time when such deliveries are made by them and of the particulars thereof.

1896, ch. 202.

**55.** The judges of election, and each of them, shall have authority to keep the peace, and to cause any person to be arrested for any breach of the peace, or for any breach of the election laws, or any interference with the progress of an election, or of the canvass of the ballots; and it shall be the duty of all officers of the law present to obey the order of any judge of election, and an officer making an arrest by the direction of any judge shall be protected in so doing as fully as if a warrant had been issued to him to make such arrest.

*Ibid.*

**56.** The polling places shall be opened by the judges at six o'clock in the morning in the city of Baltimore, and at eight o'clock in the morning in the counties, and in said city shall be kept open until five o'clock, and in the counties until six o'clock in the afternoon of the same day, at which time the polls shall be closed. If any judge or clerk shall not be present at the expiration of fifteen minutes after the time for opening the polls, the judge or judges present shall fill the place of such absent judge or clerk by appointing in his stead a person of the same political party as the absentee. One of the judges shall administer to such substitute the oath required of the judge or clerk originally appointed. After the opening of the polls no judge or clerk shall absent himself therefrom, until all the ballots cast shall have been counted and the returns completed. If, in

case of absolute necessity, any judge or clerk in attendance shall be compelled to absent himself, he shall appoint some fit person of the same political party with himself to act in his stead until his return, having first administered to such substitute the same oath as he himself has taken. Blank forms for the appointment of substitute judges and clerks and of the oath aforesaid shall be supplied by the supervisors, and the oath, when administered, shall be preserved and returned by the judges to the supervisors. The appointment and swearing in of all such substitutes, and the reason therefor, and the time when such substitutes began and ceased to serve, shall be noted by the judges in the poll-book of the precinct; such substitute shall cease to act whenever the judge or clerk in whose stead he was appointed shall be present.

1896, ch. 202.

**57.** Each political party or other body of voters having a candidate or candidates duly nominated, shall have the right to designate and keep a challenger and watcher at each place of registration and election, who shall be assigned to such positions near the judges of elections, inside the registration or polling room as to enable them to see each person as he offers to register or vote, and they shall be protected in the discharge of their duty by the judges of election and the police. A certificate, signed by the candidates or by the presiding officer of the chief managing committee of their party in the city or county, shall be sufficient evidence of the right of such challenger and watcher to be present in the registration or polling room. In case any challenger or watcher does not produce such certificate, the judges of election shall recognize a challenger or watcher vouched for by the persons present belonging to such political party, or by the judge representing such party. Such challenger and watcher shall have the right to remain in the polling room, outside the rail hereinafter mentioned, from the time the polls are opened until they are closed, and after that time he shall be permitted to remain within the rail until the returns are completed. The refusal to permit any such challenger so to remain shall be a misdemeanor, punishable by a fine not exceeding one thousand dollars, or by imprisonment not exceeding one year, or by both fine and imprisonment; but it shall be unlawful for

any such challenger to inquire or ascertain for what candidate or candidates any voter may intend to vote or has voted, or to confer in the polling room, with any voter, or to assist him in the preparation of his ballot, and any challenger offering or attempting to do so may lawfully be ejected by the judges, and shall also be subject to the punishment hereinafter provided. A challenger or watcher may be removed at any time by the same person or committee, or by the chairman of the committee which appointed him. Citizens, other than accredited challengers or watchers, who desire to challenge the vote of any person then inside the polling room, shall be permitted to enter said room for that purpose; but a majority of the judges may limit the number of persons to be allowed in the polling room at any one time for such purpose, and all such persons shall leave the polling room as soon as the right to vote of the persons challenged by them shall have been decided.

1896, ch. 202.

**58.** Each clerk of elections shall keep a poll-book containing a column headed "Number," and another headed "Name of Voter." All entries therein shall be made in ink, and the number and name of each person to whom a ballot is given shall be entered on each of the poll-books by the clerk having charge thereof in regular succession under the proper heading, the number of such voter being placed opposite his name in the column headed "Number," but if the vote of any person whose name has thus been entered on poll-books shall be afterwards rejected by the judges, the clerks shall thereupon draw a line through his name and number, as hereinafter provided.

Ibid.

**59.** The supervisors of elections shall provide in each room designated by them as polling places, a sufficient number of voting booths or compartments in which voters may conveniently mark their ballots. Said booths or compartments shall be constructed of plank not less than one inch in thickness, and shall be of such width, depth and height that the voter in marking his ballot therein, shall be screened from the observation of others, and for this purpose a short curtain shall be hung across the front of each compartment at a convenient height, and so as to extend

a little below the shelf hereinafter mentioned. Each compartment shall have a shelf within the same and shall be provided with proper supplies and conveniences for marking the ballots, and a guard-rail shall be constructed in said polling place so as to divide the space occupied by the judges of election and other officials and persons permitted by law to be within the same from the public; said guard rail shall have an entrance and exit therein, and shall also be so constructed and placed that only persons who are inside said rail can approach within five feet of the ballot-boxes. The arrangement of such polling places shall be such that neither of the ballot-boxes nor the voting booths or compartments shall be hidden from view of those just outside of said guard rail. The number of such compartments shall not be less than one for every one hundred voters qualified to vote at such polling place, and not less than five in any city, and not less than three in any polling place in any county. No person other than voters engaged in preparing or depositing their ballots and the election officers shall be permitted to be within said rail, unless by authority of the judges of elections, for the purpose of keeping order and enforcing the law. The ballot-box shall be within said rail and not more than six feet therefrom. The expense of providing such booths or compartments and guard-rail shall be a public charge, and the same, after the election is over, shall be preserved by the supervisors of elections for subsequent use.

1896, ch. 202.

**60.** As soon as the polls are opened and immediately before any ballots are received by the judges, they shall open every ballot-box used or to be used, and having taken therefrom the poll books, ballots and all the blanks and stationery provided by the supervisors of elections, they shall permit all persons rightfully present to examine such ballot-boxes, and every part thereof, so that they may be satisfied as to the structure thereof, and that such ballot-box is empty. The ballot-box shall then be locked and the key delivered to one of the judges, and shall not again be opened until the closing of the polls; and until such closing each ballot-box shall be kept constantly in sight of all persons entitled to be present, and shall be so placed that the voter offering his ballot and the judges and clerks and all persons enti-

tled to be present may conveniently see every ballot deposited therein. The sealed package of ballots shall not be opened until after the ballot-box shall have been so examined, closed and locked by the judges.

1896, ch. 202.

1 ch 2 **61.** At every election each qualified voter shall be entitled to receive one official ballot. The person applying therefor to the judge of election holding the ballots shall give his name and residence, and the said judge shall repeat the same in a loud and distinct voice, and if such name be found upon the registers by the judges having the custody thereof, they shall repeat the said name, and the voter shall be allowed to enter the space inclosed by the guard-rail, and the judge holding the ballots, having first written in ink the voter's name and number upon the coupon attached to one of them, shall deliver said ballot to the voter after having likewise written in ink his own name or initials upon the back thereof, and the two clerks of election shall at the same time enter the number and name of the voter upon their poll-books. Upon receipt of his ballot the voter shall forthwith, and without leaving the inclosed space, retire alone to one of the booths or compartments and prepare his ballot by marking with an indelible pencil after the name of the person or persons for whom he intends to vote, and to the right thereof in the blank space provided therefor a cross—for example, X; and in case of a question submitted to a vote of the people by marking likewise in the appropriate space a cross against the answer which he desires to give. This provision shall be directory as far as the instrument for marking the ballot is concerned. Any voter who desires to vote for an entire group may make a cross, as above described, in the appropriate space after the emblem or name of the political organization above such group. Not more than one voter shall be permitted to occupy any one booth or compartment at one time, and no voter shall remain in or occupy a booth longer than may be necessary to prepare his ballot, and in no event longer than five minutes in case all such booths or compartments are in use and other voters are waiting to occupy the same. Before leaving the voting booth or compartment the voter shall fold his ballot without displaying the marks thereon, in the same way it was folded when

received by him, and he shall keep the same so folded until he has voted, and so that the signature or initials of the judge from whom he received it and the name and number written on the coupon thereof, but nothing else thereon may be seen. He shall forthwith hand his said ballot to the judge at the ballot-box, and shall give his name and residence, and upon his being identified as the person who received said ballot, the judge shall deposit his ballot in the box, having first detached therefrom its coupon, which he shall then string upon a cord or wire to be provided for the purpose, and the said voter shall forthwith leave the inclosed space. The judges having charge of the registers shall then in the column therein headed "voted" in the same line with the name of the voter mark the word "voted" or the letter "V." No ballot without the indorsement of the name or initials of the judge thereon, as hereinbefore provided, shall be deposited in said ballot-box, but if deposited shall be counted at the close of the election, and the judges shall in ink mark on the back thereof the word "counted" and sign their names below.

1896, ch. 302.

**62.** Any voter who declares under oath to the judges of / 901 e, election that he can not read or write, or that by reason of physical disability he is unable to mark his ballot, and who shall have stated such inability at the time of registering, and is so entered in the registers, shall receive the assistance of the clerks in preparing the same in the manner following: Such voter, after making such oath, may require one of the clerks to read to him the contents of the ballot, so that the voter can ascertain the position of the names of the candidates on each ballot. The clerk so requested, shall read said ballot to such voter in the presence of the other clerk; whereupon the voter shall retire to one of the booths or compartments, and prepare his ballot in the manner hereinbefore provided, or such voter may request one of said clerks, in the presence of the other, to mark the names of the candidates for whom he shall desire to vote, or mark a group should said voter desire to vote for an entire group. Affidavits of such voters shall contain a statement of the name, and registered address of the voter and of the special reason why he is unable to mark his ballots, and how long such disability has

existed ; and blanks for such affidavits shall be furnished by the supervisors of elections in sufficient numbers for each polling place, and all such affidavits shall be returned with the poll-books.

1896, ch. 202.

**63.** Any voter who shall, by accident or mistake, spoil his ballot so that he can not conveniently vote the same, may, on returning said spoiled ballot to the judge holding the ballots, receive another in place of it, with his name and the same number written on the coupon thereof, as on the ballot so returned, but no voter shall receive more than three ballots from said judge for the reason aforesaid. The ballots thus returned shall be immediately cancelled by endorsing thereon the word "spoiled," and, together with those not distributed to the voters shall be preserved and returned to the supervisors of elections, as hereinafter provided. Every voter who does not vote any ballot delivered to him, shall, before leaving the polling place, return such ballot to the judge from whom he received it, and said returned ballot shall be retained as if said ballot had been spoiled. When anyone claiming to be a person whose name appears upon the registers, shall make application for a ballot, his right to vote at that election may be challenged, but shall not be determined until after he has marked his ballot and delivered it to the judge at the ballot-box. The person challenging shall assign his reason therefor, and one of the judges shall thereupon administer to the person offering to vote an oath to make true answers to questions, and if he shall take said oath, he shall be questioned by the judge or judges touching said cause of challenge, and he may also be questioned by the person challenging him in regard thereto, and if a majority of the judges are of opinion that he is the person so registered, his vote shall be received accordingly. No one who is not registered as a qualified voter of the precinct, shall be entitled to vote or to receive a ballot, but no vote shall be rejected because of an error in the spelling of the voters' name or because of the wrongful omission or addition of one or more initials of his middle name or names, or because the voter gives the initials, one or more of his christian or given name, instead of his full name, or one or more of his christian or given name

or names, instead of the initial or initials thereof, or because of an error in the number of his residence on the register, provided a majority of the judges are satisfied that the person offering to vote is the identical person who is registered, and that he intended to register his true name and residence. Unless a majority of the judges are of the opinion that the person so challenged is entitled to vote, the judge at the ballot-box shall endorse upon his ballot, the word "rejected," and return the same still folded, and with its coupon attached, to the judge holding the ballots, and the clerks of election shall draw a line through the name and number of said person as entered on their poll-books, and write thereafter the word "rejected," or if for any other reasons a person who has received a ballot shall leave the polling place without voting, they shall likewise draw a line through his name and number on the poll-books and write thereafter the words "did not vote." All ballots returned to the judge holding the ballots, shall be immediately strung by him upon a cord or wire, provided for the purpose, still folded, and with the coupons still attached, and each endorsed upon the back thereof, with the words "spoiled" or "rejected," or "not voted," as the case may be, and all such ballots shall be returned to the supervisors of elections, as hereinafter provided.

#### **Count of the Ballots.**

1896, ch. 202.

**64.** As soon as the election polls shall have been closed the judges in their several precincts shall immediately, and at the place of polling, proceed, as hereinbefore provided, to canvass the votes cast, having first sealed up the unused ballots remaining of the package last broken by them and endorsed the same with their signatures as "Unused Ballots." The canvass shall not be adjourned or postponed until it shall have been fully completed, nor until the several statements hereinafter required to be made by the judges and clerks shall have been made out, signed and sealed by them. The judges shall have the right to station police officer or officers of the peace within the room wherein such canvass is made, in order to keep the peace. The challengers and watchers shall be allowed to be present inside the guard-rail, and so near that they can see that the judges and clerks are faithfully performing their duties.

1896, ch. 202.

**65.** Immediately after the closing of the polls, before the ballot-box is opened, all the coupons taken from the ballots cast shall be destroyed, and each of the election clerks shall write his name in each of the poll-books, immediately under the name of the last voter, and the judges shall write in ink, opposite to and against the name of each person entered in their registers who is not shown by said registers to have voted, and in the appropriate column headed "Voted" the word "No," so that the said column may be wholly filled up, and the judges shall then compare the registers, make them agree, and ascertain the number of persons, who, by said registers, are shown to have voted at that polling place on that day; and when they have made comparison and ascertained such facts, they shall announce the same in a loud voice.

Ibid.

**66.** The judges shall then open the ballot-box and count and announce the whole number of ballots in the box. They shall reject any ballots which are deceitfully folded together, and any ballots which do not have endorsed thereon the name or initials of the judge who held the ballots. If the voter has marked more names than there are persons to be elected to an office, or if for any reason it is impossible to determine the voter's choice for any office to be filled, his ballot shall not be counted for such office. Ballots not counted for such defects shall be marked "Defective" on the back thereof, and shall be wrapped in a separate package and returned in the ballot-box as hereinafter directed. Where the voter makes the cross-marks opposite the party emblem, his vote shall be counted as cast for all the candidates in such party group, whose names are not erased, and the effect of such marking, shall not be altered by his also making the cross-mark opposite one or more names of candidates in the said group; but if a voter shall have made the cross-mark opposite a party name or emblem, and also opposite one or more names of candidates in another column, his vote shall be counted for each candidate so marked in another column and also for all the candidates under the marked party name or emblem whose names are not erased, and each name in the said marked party group opposite the name of any candidate marked,

as aforesaid, in another column, shall be deemed erased, unless the voter has, by erasure, indicated some other name in the said marked group that is to be omitted in its stead. The said judges shall count the votes in the following manner: They shall open the ballots, and all of these shall be canvassed separately, by one of the judges sitting between two other judges, which judge shall call out each name and the office for which it is designated, the other judges looking at the ballot at the same time, and the clerks making tally of the same, or the said judges may first canvass and count the "straight" or full tickets, laying aside, whilst so doing, the "split" or "scratched" tickets, and after they have so canvassed and counted the straight or full tickets they shall, if such there are, proceed to call off, canvass and count each name and the office for which it is designated on the split or scratched tickets so previously laid aside, the several judges looking at each ballot and the clerks making tally of the same. When all the ballots have been canvassed in this manner, the election clerks shall compare their tallies together and ascertain the total number of votes received by each candidate, and when they agree upon the numbers one of them shall announce in a loud voice to the judges the aggregate number of votes received by each candidate. If requested by any watcher or challenger present at any canvass, it shall be the duty of the judges, and each of them, to exhibit to such watcher or challenger any ballot cast, fully opened or in such condition and manner that he may fully read and examine the same, but the judge shall not allow any ballot to be taken from their hands. As the ballots are counted they shall be strung upon a strong twine.

1896, ch. 202.

**67.** When the canvass of the ballots shall have been completed and the clerks shall have announced to the judges the total number of votes received by each candidate, each of the judges of election, in turn, shall then proclaim in a loud voice the total number of votes received by each person voted for in such precinct and the office for which he is designated, and the number of votes for and the number of votes against any proposition which shall have been submitted to the vote of the people; such proclamation shall be *prima facie* evidence of the result of the

canvass of such ballots. In the city of Baltimore the judges shall immediately after such proclamation deliver to a policeman on duty at the polling place, a statement subscribed with their names, which shall be sealed up and forthwith conveyed by the said policeman to the office of the board of police commissioners, whose duty it shall be to file and preserve the same. Such statements shall contain the total number of votes in the ballot-box and the number of votes found therein for each and every candidate, and any person applying may inspect the same.

#### **Election Returns.**

1896, ch. 202.

**68.** The judges shall make duplicate statements or returns of the result of the canvass, each of which shall, if possible, be made upon a single sheet of paper and shall contain a caption stating the day on which and the number of the election precinct and the county or ward of the city in relation to which said statements shall be made, and the time of opening and closing the polls of such precinct, and showing the whole number of votes given for each person, designating the office for which they were given. Such statements shall be written or partly written, and partly printed in words at length, and in case a proposition of any kind has been submitted to a vote at such election, such statements shall also show in like manner the whole number of votes cast for or against such proposition, and at the end of such statement shall be written a certificate that the same is correct in all respects, which certificate and each sheet of paper forming part of the statement, shall be subscribed by the judges and clerks. If any judge or clerk shall decline to sign such return, he shall state his reason therefor in writing, and a copy thereof, signed by himself, shall be enclosed with each return. Each of the statements shall be enclosed in an envelope, which shall then be securely sealed with sealing wax or other adhesive material, and each of the judges and clerks shall write his name across the fold of the envelope. One of the envelopes shall be directed to the clerk of the circuit court of the county or the Superior Court of Baltimore city, as the case may be, and one to the county commissioners or to the mayor of the city of Baltimore, as the case may be.

Each set of tallies shall also be signed by the election clerks and the judges of election, and each shall be enclosed in an envelope securely signed and sealed as aforesaid, one of which shall be addressed to the board of supervisors of elections, and the other to the register of wills. On the outside of every envelope shall be endorsed the statement that it contains the votes cast or the tallies, and for what precinct, ward, city or county.

1896, ch. 202.

**69.** The "spoiled" and "not voted" ballots, as defined in section sixty-three, shall be enclosed in a package to themselves and endorsed "spoiled and not voted;" the "rejected" and "defective ballots," as defined in said section and in section sixty-six, shall be enclosed in a package to themselves, and endorsed "rejected and defective." The poll-books and the ballots cast and counted, as well as the two before mentioned packages of "spoiled," "not voted," "rejected" and "defective" ballots shall be placed in the ballot-box, and the ballot-box shall then be locked and the key removed, whereupon the judges of election shall all write their names upon a strip of paper of sufficient length for the following purposes. Said strip of paper shall then be pasted over the keyhole of said ballot-box and over the slit in the lid, in such manner that the signature shall extend across the place of the opening of the lid, and so that when the box is opened it will tear the paper and destroy the signatures, and so that when the key is inserted in the keyhole it will tear the paper so pasted over the keyhole. Such paper shall be securely fastened to the box with sealing-wax or some other adhesive material.

Ibid.

**70.** Thereupon, in Baltimore city, one of the judges shall take charge of the ballot-box and its contents so inclosed, and another judge, representing the opposite political party, shall receive and hold the key thereof, and the package of unused ballots sealed up by said judges, as required by section sixty-four; each of the two judges who do not have charge of the ballot-box or key, shall take into his possession one of the registers and also one of the statements of the votes cast, sealed up in its envelope as afore-

said, and each of the clerks shall take one of the tally sheets sealed up in an envelope as aforesaid, and the meeting of said judges and clerks shall then be dissolved. Before twelve o'clock, noon, of the day after such election in Baltimore city, the judge having possession of the ballot-box shall deliver the same, with the contents aforesaid, to the board of supervisors of elections, with the seal unbroken, and shall take receipt therefor, and within the same period of time, the judges having possession of the key, the package of unused ballots and of the registers shall deliver the same to the said board of supervisors and take a receipt therefor; and the two judges and clerks of elections in the city of Baltimore having possession of the statements and tallies shall within the same time deliver them to the respective officers to whom they are addressed as aforesaid, and when so delivered, each of said judges and clerks shall take a receipt therefor. No judge or clerk shall receive pay for his services, unless he produces the receipt herein provided for. The officers to whom the statements and tallies are so delivered shall securely keep the same with the seals unbroken. In the counties, after the proceedings set forth in the preceding section in each precinct, one of the judges, who is also an officer of registration, who shall be designated beforehand by the supervisor of election, shall take charge of the ballot-box and its contents so inclosed, and the other judge, who is also an officer of registration, shall receive and hold the key thereof, and the package of unused ballots sealed up by said judges; each of said two judges shall take into his possession one of the registers, and also one of the statements of the votes cast, sealed up in its envelope as aforesaid, and also one of the tally sheets, sealed up in an envelope as aforesaid, and the meeting of the judges and clerks shall then be dissolved; before twelve o'clock, noon, of the second day after said election, the two judges so having custody thereof shall deliver said ballot-boxes, keys, packages of unused ballots, registers, statements of votes cast and tally sheets to the proper officers in their respective counties, as hereinbefore prescribed for the city of Baltimore, and shall take similar receipts for the same. It shall be the duty of the supervisors of elections in the several counties and in said city to attend at their respective offices on the days named for the purpose of carrying out the provisions of this section.

1896, ch. 202.

71. The board of supervisors of elections, upon receiving a ballot-box and the key thereof, shall note the condition of the seal or stamp on each box, and make an entry of the facts touching the same in a book to be kept by them, together with the name of the officer who delivered the box. They shall deliver all the ballot-boxes so sealed, as aforesaid, to the clerks of the circuit court for their respective counties, or to the board of police commissioners of Baltimore city, as the case may be, who shall put them in a secure place, to which the public shall in no case have access, and shall safely keep them for the space of six months from the day of such delivery, at which time, unless previously notified to produce the same to be used in evidence in some contested election or judicial or legislative investigation then pending, the said board of supervisors shall, in the presence of one or more judges of the orphans' court, destroy said ballots and poll-books, also all of the said tallies, including those delivered to the register of wills, and shall record in the same book a certificate of the fact signed by said judge or judges.

#### Canvassing Boards.

Ibid.

72. It shall be the duty of the said county commissioners, clerks of court and mayor, respectively, to keep safely under lock and key the said original statements or returns until the board of canvassers for the county or city, as the case may be, shall have assembled and been organized according to law, as hereinafter provided; whereupon the clerks of court, county commissioners and mayor shall immediately deliver or transmit to such board of canvassers the said statements or returns in the sealed envelopes.

Ibid.

73. The supervisors of elections shall constitute a board of canvassers for their county or city, as the case may be.

Ibid.

74. On the Thursday next following every election, between the hours of 12 o'clock noon and 1 o'clock in the afternoon, the board of county canvassers shall meet at the usual place for holding the circuit court for the county, and the board of canvassers

for Baltimore city shall meet at the usual place for holding the superior court, and shall, respectively, elect a chairman and secretary from their number. Each member of the board shall take an oath, which shall be administered and recorded by the clerk of said court to truly canvass, add up and declare the votes as required by law. At their first meeting a majority of the whole board shall be a quorum. If a majority shall not attend on the Thursday aforesaid, the canvassers present shall adjourn to the next day, when they shall meet again between the same hours, and the canvassers then attending, although less than a majority of the whole number, shall organize themselves as a board, and shall perform the duties required by law, and all questions arising in the course of their proceedings shall be determined by a majority of the canvassers so attending. All the sessions, deliberations and proceedings of the board shall be public, and candidates and their counsel shall have the right to attend and to inspect the original statements and returns, and all other documents and records.

1896, ch. 202.

**75.** The board of canvassers shall, upon being duly organized, open all the original statements and returns delivered or transmitted to them, and shall canvass and add up the votes and make abstracts or statements thereof in the following manner, as the case may require, namely: All votes for Governor shall be written out in words at length on one sheet, and, in like manner, all votes for other State officers on another sheet; all votes for presidential electors on another sheet; all votes for representatives in Congress on another sheet; all votes for judges of courts on another sheet; all votes for the clerk of the Court of Appeals on another sheet; all votes for Senators and Delegates to the General Assembly on another sheet; all votes for county or city officers on another sheet; all votes for any other officers on a separate and appropriate sheet; all votes for and against any proposition which may be submitted to a vote of the people on another sheet.

Ibid.

**76.** The said board of canvassers shall then transmit the said statements made by them, attested by the signature of their chair-

man and secretary, to the clerk of the circuit court for the county, or to the clerk of the Superior Court of Baltimore city, as the case may be, who shall enter the same of record. In case of all elections of presidential electors, representatives in Congress, Senators and delegates to the General Assembly, and of other State officers, except Governor or State's attorney, the said clerk shall prepare three certified copies, under his seal of office, of the said statements and certificates. Within five days after the adjournment of the board of canvassers, the said clerk shall deposit the said certified copies in the nearest postoffice, addressed, respectively, to the Governor, to the Secretary of State and to the Treasurer. The statement of the votes for Governor, after being recorded, shall be transmitted by the clerk to the Secretary of State, as provided in the Constitution. The said clerk shall make out and deliver to each person having the highest number of votes for the several county and city offices a certificate of election on his application. The said canvassing board shall also make a statement of the whole number of votes given in each precinct and county or city, with the names of the candidates and the number of votes given for each, in tabular form, and shall cause a copy of such statements to be forthwith published in one or more of the newspapers printed in the county or in the city of Baltimore; provided, such official statement be so published without charge.

1896, ch. 202.

**77.** In the canvass of votes by the canvassing board for the city or county herein provided, said board shall, unless otherwise provided in the constitution of this State, declare who is elected to any city or county office, or to any office voted for only within the territory of such city or county.

*Ibid.*

**78.** If, upon proceeding to canvass the votes, it shall clearly appear to the canvassing board for the city or county that in any statement produced to them certain matters are omitted which should have been inserted, or that any mistakes which are merely clerical exist, they shall immediately issue a subpoena to the judges and clerks who made said return, and said judges and clerks shall forthwith attend, and shall make such correction as

the facts of the case require, but such changes shall not alter any decision before made by them, but shall only cause the canvass to be correctly stated. And the said board of canvassers are authorized to adjourn from day to day for the purpose of obtaining and receiving such corrected statements; such adjournment not to extend beyond three days.

1896, ch. 202.

**79.** Whenever it shall be made to appear by affidavit that errors have occurred in the determination of the board of canvassers of any county or city in the State, the circuit court of the county or the Superior Court of Baltimore City may, by order, require said board to correct such errors or show cause why such corrections should not be made; and in the event of the failure of said board to make such correction, or show cause as aforesaid, said court may compel said board, by a writ of mandamus, to correct such errors, and if said board of canvassers shall have made its determination and dissolved, said court may compel it to reconvene for the purpose of making such corrections. For the purpose of making such corrections as the court shall order, the meeting of the board of canvassers shall be deemed a continuation of its regular session, and the statements and certificates shall be made and filed as the court shall direct, and, so far as the same shall vary from the original statements and certificates, the statements and certificates made under the order of court shall stand in lieu thereof, and shall in all cases have the same effect as if such corrected statements had been a part of the original statement required by law. The practice in said cases shall be as in mandamus proceedings, and the court shall determine the time for the speedy hearing thereof, in its discretion; and for the purpose of service of papers and other proceedings, the board of canvassers, as organized and existing at the time of making the original canvass, shall be deemed a continuing board. There shall be the same right of appeal as in other mandamus cases, but such appeal shall be taken within five days from the date of the decision complained of, and shall be heard and decided by the Court of Appeals as soon after the transmission of the record as possible, and the testimony taken in such cases shall be sent up to the Court of Appeals as part of the record.

1896, ch. 202.

**80.** The Secretary of State, Comptroller, Treasurer, Clerk of the Court of Appeals and Attorney General shall constitute the board of State canvassers, three of whom shall be a quorum. The Secretary of State shall appoint the meeting of the said board, to be held at his office within thirty days after any State election; if a majority do not attend, those present shall adjourn until the next day, at which time they shall proceed, without further delay, to canvass the votes. The board when thus formed shall, from the certified copies of the statements made by the boards of city and county canvassers, proceed to make a statement of the whole number of votes given at such election for the several candidates for the offices named in said statements, and thereupon proceed to determine and declare what persons have been, by the greatest number of votes, elected to such offices, and each of them; they shall make and subscribe on a proper statement a certificate of such determination, and shall deliver the same to the Secretary of State. If any one of the canvassers shall dissent from the decision of the board, he shall state at large, in writing, the reasons for such dissent. If any of the acts or proceedings of the board shall appear to any one of the canvassers to be illegal or irregular, such canvasser shall protest against the same, in writing, setting forth distinctly the grounds of his protest; the canvasser so dissenting or protesting shall deliver his dissent or protest, signed with his proper name, to the Secretary of State, who shall file the same in his office, and he shall also keep on file in his office the copies of the statements made by the board of city and county canvassers. The board shall have power to adjourn, from day to day, during a period not exceeding five days.

Ibid.

**81.** The Secretary of State shall record in his office, in a book to be kept by him for that purpose, each certified statement and determination which shall be delivered to him by the board of State canvassers, and every dissent or protest which shall have been delivered to him by a canvasser. He shall, without delay, transmit a copy, under seal of his office, of such certified determination to each person thereby declared to be elected, and a

like copy to the Governor, and he shall cause a copy of such certified statements and determinations to be published in one newspaper in the city of Annapolis and one in the city of Baltimore. In conformity with the statements and determinations made as aforesaid by the board of State canvassers, the Governor shall issue commissions to the different persons elected, as now provided by the Constitution and laws of this State.

### **Offenses.**

1896, ch. 202.

**82.** If at any general registration of voters or at any meeting of the board of registry held for such purpose or for revision thereof, as provided in this article, any person shall falsely personate a voter or other person, and register or attempt or offer to register in the name of such voter or other person; or if any person shall register or attempt or make application to register in or under the name of any other person, or in or under any false, assumed or fictitious name, or in or under any name not his own; or shall register in two election precincts; or having registered in one precinct shall attempt or offer to register in another; or shall fraudulently register or attempt or offer to register in any election precinct, not having a legal right to register therein; or shall knowingly or wilfully do any unlawful act to secure registration for himself or any other person; or shall knowingly, wilfully or fraudulently, by false personation or otherwise, or by any unlawful means, cause or procure, or attempt to cause or procure, the name of any qualified voter in any election precinct to be erased or stricken, as in this article provided, from any registry of the voters of such precinct made in pursuance of this article or otherwise; or by force, threat, menace, intimidation, bribery, reward or offer or promise thereof, or other unlawful means prevent, hinder or delay any person having a lawful right to register or be registered from duly exercising such right; or shall knowingly, wilfully or fraudulently compel or induce, or attempt to offer to compel or induce by such means or by any unlawful means any officer of registration in any election precinct to register, or attempt to register, any person not lawfully entitled to registration in such precinct; or to register any false, assumed or fictitious name, or

any name of any person, except as provided in this article; or shall knowingly, wilfully or fraudulently interfere with, hinder or delay any officer of registration in the discharge of his duties; or counsel, advise or induce, or attempt to induce any such officer to refuse or neglect to comply with or perform his duties, or to violate any law prescribed for regulating the same; or shall aid, counsel, procure or advise any voter, person or officer of registration to do any act by law forbidden, or in this article constituting an offense, or to omit to do any act by law directed to be done, every such person, upon conviction thereof, shall be punished by imprisonment in jail or in the penitentiary for not less than six months nor more than five years.

1896, ch. 202.

**83.** If at any election hereafter held in any city or county, any person shall falsely personate any voter or other person, and vote or attempt or offer to vote in or upon the name of such voter or other person, or shall vote or attempt to vote in or upon the name of any other person, whether living or dead, or in or upon any false, assumed or fictitious name, or in or upon any name not his own, or shall knowingly, wilfully or fraudulently vote more than once for any candidate for the same office, except as authorized by law; or shall vote or attempt or offer to vote in any election precinct without having a legal right to vote therein; or shall vote more than once, or vote in more than one election precinct; or having once voted, shall vote or attempt or offer to vote again; or shall knowingly, wilfully or fraudulently do any unlawful act to secure for himself or for any other person a right or opportunity to vote; or shall by force, threat, menace, intimidation, bribery or reward, or offer or promise thereof, or otherwise unlawfully, either directly or indirectly, influence or attempt to influence any voter in giving his vote; or prevent or hinder, or attempt to prevent or hinder, any qualified voter from freely exercising the right of suffrage; or by any such means induce, or attempt to induce, any such voter to exercise any such right; or shall, by any such means, or otherwise, compel or induce, or attempt to compel or induce, any judge or clerk of election in any election precinct to receive the vote of any person not legally qualified or entitled to vote at the said election in such

precinct; or shall knowingly, wilfully or fraudulently interfere with, delay or hinder in any manner any judge or clerk of election in the discharge of his duties; or by any such means or other unlawful means, knowingly, wilfully or fraudulently counsel, advise, induce or attempt to induce any judge or clerk of election whose duty it is to ascertain, proclaim, announce or declare the result of any such election, to give or make any false certificate, document, report, return or other false evidence in relation thereto; or to refuse or neglect to comply with his duty, or to violate any law regulating the same; or to receive the vote of any person in any election district not entitled to vote therein; or to refuse to receive the vote of any person entitled to vote therein; or shall aid, counsel, advise, procure or assist any voter, person or judge of election or other officer of election to do any act by law forbidden, or in this article constituted an offense; or to admit to do any act by law directed to be done; every such person shall, upon conviction thereof, be punished by imprisonment in jail or in the penitentiary, for not less than six months nor more than five years.

83A.1900 ch. 71.

1896, ch. 203.

84. If any clerk of elections, or any person performing the duties of such clerk, shall wilfully keep a false poll-list, or shall knowingly insert in his poll-list any false statement, or any name or statement, or any check, alteration or mark, except as in this article provided, he shall, upon conviction thereof, be adjudged guilty of a felony, and shall be punished by imprisonment in the penitentiary, for not less than one nor more than five years.

Ibid.

85. Every judge of election who shall wilfully exclude any vote duly tendered, knowing that the person offering the same is lawfully entitled to vote at such election, or shall wilfully receive a vote from any person who has been duly challenged in relation to his right to vote at such election, without exacting from such person such oath or other proof of qualification as may be required by law, or shall wilfully omit to challenge any person offering to vote, whom he knows or suspects to be not entitled to vote, and who has not been challenged; or shall wilfully refuse

to open and show the ballot box to be empty prior to the opening of the polls ; or shall permit any barricade or obstructions of any kind to be interposed, so that all who desire cannot constantly see such ballot-box, shall, upon conviction thereof, be punished by imprisonment in jail or in the penitentiary for not less than three months nor more than two years.

1896, ch. 202.

**86.** Every judge or clerk of election or other officer or person, who shall make, sign, publish or deliver any false tally or return of an election, or any false certificate or statement of the result of an election, knowing the same to be false, or who shall wilfully deface, destroy or conceal any statement, tally or certificate entrusted to his care and custody, shall, on conviction thereof, be adjudged guilty of a felony, and shall be punished by imprisonment in the penitentiary for not less than one nor more than ten years.

*Ibid.*

**87.** If any person other than a judge of election shall, at any election, knowingly and wilfully put, or cause to be put, any ballot or ballots, or other paper having the semblance thereof, into any box used at such election for the reception of votes ; or if any judge of election knowingly or wilfully cause or permit any ballot or ballots to be in said box at the opening of the polls, and before the voting shall have begun ; or shall knowingly, wilfully or fraudulently put any ballot or other paper having the semblance thereof into any such box at any election, unless the same shall be offered by a voter whose name shall have been found and kept upon the registry, as hereinbefore provided, or who shall be entitled to vote under this article ; or if any judge of election or other officer or person shall fraudulently during the canvass of ballots in any manner change, substitute or alter any ballot taken from the ballot-box then being canvassed, or from any ballot-box which has not been canvassed, or shall remove any ballot or semblance thereof from, or add any ballot or semblance thereof to, the ballots taken from the ballot-box then being canvassed, or from any ballot-box which has not been canvassed, every such person shall, upon conviction thereof, be

adjudged guilty of a felony and shall be punished by imprisonment in the penitentiary, for not less than one nor more than five years.

1896, ch. 203.

**88.** If any judge or clerk of election or any officer of registration, revision, election or canvass of whom any duty is required in this article or by any other election law of this State, shall be guilty of any wilful neglect of such duty or any corrupt or fraudulent conduct or practice in the execution of the same, he shall, upon conviction thereof, be punished by imprisonment in jail, for not less than thirty days nor more than three years, or by fine of not less than fifty dollars (\$50), nor more than one thousand dollars (\$1,000), or by both such fine and imprisonment.

*Ibid.*

**89.** Every judge or clerk of election or other officer or person having the custody of any record, registry of voters or copy thereof, oath, return or statements of votes, certificate, poll list or any papers, documents, ballots, coupons or vote of any description in this article directed to be made, filed or preserved, who is guilty of concealing, wilfully destroying, mutilating, defacing, falsifying or fraudulently removing or secreting the whole or any part thereof, or who shall fraudulently make any entry, erasure or alteration therein, except as allowed and directed by the provisions of this article, or who permits any other person so to do, shall, upon conviction thereof, be adjudged guilty of a felony, and shall be punished for each and every such offense by imprisonment in the penitentiary for not less than one nor more than ten years.

*Ibid.*

**90.** Every person not an officer, such as is mentioned in the last preceding section, who is guilty of any of the acts specified in said last section, or who advises, procures or abets the commission of the same, or any of them, shall, upon conviction thereof, be adjudged guilty of a felony, and for each and every such offense shall be punished by imprisonment in the penitentiary for not less than one nor more than ten years, and such offense shall be deemed to have been committed, whether such person

has or had any custody or control, rightful or otherwise, over or is charged with any duty in relation to said records, registers, ballots, coupons or other documents.

1896, ch. 202.

**91.** Any person who shall be convicted of wilfully and corruptly swearing or affirming in taking any oath or affirmation prescribed by or upon any examination provided for in this article, shall be guilty of a wilful and corrupt perjury, and shall be punished according to the laws of the State.

Ibid.

**92.** Every person who shall wilfully and corruptly instigate, advise, induce or procure any person to swear or affirm falsely, as aforesaid, or to offer so to do, shall, upon conviction thereof, be adjudged guilty of subornation of perjury, and shall suffer the punishment directed by law in cases of wilful and corrupt perjury.

Ibid.

**93.** If any person who shall have been convicted of bribery, felony or other infamous crime, under the laws of this or any other State, and who has never received pardon for such offense from the officer entitled to grant such pardon, shall thereafter vote or offer to vote at any election in this State, he shall, upon conviction thereof, be adjudged guilty of a felony, and for each and every such offense shall be punished by imprisonment in the penitentiary for not less than one nor more than five years.

Ibid.

**94.** If any person shall wilfully disobey any lawful command of any judge of election or of any board of registry given in the execution of his or their duty as such at any registration or election, he shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in jail for not less than thirty days nor more than six months, or by a fine of not less than ten dollars (\$10) nor more than two hundred and fifty dollars (\$250), or by both such fine and imprisonment, in the discretion of the court. Any misdemeanor under this article, for which no penalty is specially provided, shall be punished as provided in this section.

1896, ch. 202.

**95.** If during any registration of voters or revision thereof, or on any day of election or during the canvass of voters cast thereat or during any subsequent canvass of any board of canvassers, any person shall cause any breach of the peace or be guilty of any disorder, violence or threats of violence whereby any such registration, revision, election or canvass shall be impeded or hindered, or whereby the lawful proceedings of any officer or board of registration, or of any judge or clerk, or other officers of such election, or challenger or person designated to be present during the reception or canvass of any ballots, or of any canvassing board as hereinbefore provided, are interfered with, every such person shall upon conviction thereof be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in jail for not less than thirty days, nor more than one year, or by a fine of not less than fifty dollars (\$50) nor more than one thousand dollars (\$1,000), or by both such fine and imprisonment.

Ibid.

**96.** If any person knowingly or wilfully shall obstruct, hinder or assault, or by bribery, solicitation or otherwise interfere with any officer of registration or any judge or clerk of election or challenger or person designated, as provided in this article, to be present at the reception or canvass of any ballots, in the performance of any duty required by him, or which he may by law, be authorized or permitted to perform, or if any person by any of the means before mentioned, or otherwise unlawfully shall, on any day of registration, revision of registration, or of election, hinder or prevent any officer of registration, judge or clerk of election, challenger or person designated as provided in this article, to be present at the reception or canvass of ballots, in his free attendance and presence at the place of registration or revision of registration, or of election in the election precinct, in and for which he is appointed or designated to serve, or in his full and free access and egress to and from any such place of registration, revision of registration or of election, or to and from any room where such registration, revision of registration or election or canvass of votes or making of any return and certificates thereof may be had, or shall molest, interfere with'

remove or eject from any such place of registration or election or of canvassing ballots cast thereat or making returns or certificates thereof, any such officer of registration, judge or clerk of election, challenger or person designated as provided in this article, to watch the reception or canvassing of any ballots except as otherwise provided in this article, or shall unlawfully threaten or attempt or offer so to do, every such person shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by imprisonment in jail for not less than three months nor more than one year, or by fine of not less than fifty dollars (\$50) nor more than one thousand dollars (\$1,000) or by both fine and imprisonment.

1896, ch. 202.

**97.** If any person upon the day of any election, or before the canvass of votes is completed, shall conceal or wilfully break or destroy any ballot-box used or intended to be used at such election, or shall wilfully or fraudulently conceal, secrete or remove any such box from the custody of the judges of election, or any other official in charge thereof, or shall alter, deface, injure or destroy or conceal any ballot which has been deposited in any ballot-box at such election which has not been counted and canvassed, or any poll-list used at such election, or any report, return, certificate or any evidence in this article required, he shall, upon conviction thereof, be adjudged guilty of a felony, and shall for each and every such offense be punished by imprisonment in the penitentiary for not less than one nor more than five years.

*Ibid.*

**98.** If at any election precinct, at any registration of voters or revision thereof, any officer of registration shall knowingly or wilfully admit any person to registration, or make any entry upon any register unless a majority of the board of registry in said precinct are present and concur, or if at any election hereafter held, any judge or clerk of election shall receive any vote or proceed with the canvass of ballots, or shall consent thereto, unless a majority of the judges of election in said election precinct are present and concur, he shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by

imprisonment in jail for not less than ten nor more than ninety days, or by a fine not less than ten dollars (\$10) nor more than two hundred and fifty dollars (\$250,) or by both such fine and imprisonment, in the discretion of the court.

1896, ch. 202.

**99.** If any officer of registration in any election precinct shall without urgent necessity absent himself from the place of registration during the hours prescribed by law for registering voters, or if any judge or clerk of election shall, without urgent necessity be late at the opening of the polls, or shall absent himself therefrom during the election or during the canvass of ballots or the making up of the returns, he shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in jail for not less than ten days nor more than six months, or shall be fined not less than twenty dollars (\$20,) nor more than five hundred dollars (\$500.)

Ibid.

**100.** Whoever shall (1) falsely make or fraudulently deface or fraudulently destroy any certificate of nomination or any part thereof, or (2) file any certificate of nomination, knowing the same or any part thereof to be falsely made, or (3) suppress any certificate of nomination which has been duly filed, or any part thereof, or (4) shall forge or falsely make the official endorsement on any ballot, shall be punished by fine of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000,) or by imprisonment in jail for a period not exceeding three years, or by both fine and imprisonment, in the discretion of the court.

Ibid.

**101.** Whoever shall, during an election, remove or destroy any of the supplies or other conveniences placed in the booths or compartments in this article described for the purpose of enabling the voter to prepare his ballot, or shall, during such election, remove, tear down or deface any of the cards or specimen ballots printed for the instruction of voters, shall be punished by fine of not less than five dollars (\$5) nor more than five hundred dollars (\$500), or by imprisonment in jail for a period not exceeding

one year, or by both fine and imprisonment, in the discretion of the court.

1896, ch. 202.

**102.** Whoever shall, except as in this article otherwise provided, allow his ballot to be seen by any person with the apparent intention of letting it be known how he is about to vote, or place any distinguishing mark upon his ballot, or who shall make a false statement as to his inability to mark his ballot, or who shall interfere or attempt to interfere with any voter when inside the enclosed space in the polling-room, or when marking his ballot, or who shall endeavor to induce any voter before voting to show how he marks or has marked his ballot, shall be punished by fine of not less than five dollars (\$5) nor more than one hundred dollars (\$100) or by imprisonment in jail for a period not exceeding sixty days, or by both fine and imprisonment, in the discretion of the court.

Ibid.

**103.** Whoever shall wilfully destroy or deface any ballot, or shall take or remove any ballot outside of the enclosure provided for voting, before the close of the polls, or wilfully delay the delivery of any ballot, or who shall, on or before any day of election, have or retain in his possession any official ballot printed for said election or any imitation thereof save and excepting when such possession by him is necessary or appropriate and designed for the purpose of carrying out the true intent and meaning of this law, or who shall canvass or electioneer in said polling place or within one hundred feet distant from the same, or who shall hold any tickets or fac-simile tickets or papers purporting to be tickets, either in said polling place or within said distance from the same, shall be fined not less than fifty dollars (\$50) nor more than five hundred dollars (\$500,) or shall be imprisoned in jail a period not exceeding sixty days, or shall be subject to both fine and imprisonment, in the discretion of the court.

Ibid.

**104.** Whoever, during the hours of registration or revision of registration or during the hours of election or canvass of

votes, or of making returns thereof in any precinct, shall bring, take, order or send into, or shall attempt to bring or take or send into any place of registration, or revision of registration, or of election, any distilled or spirituous liquors, wine, ale or beer, or shall at any such time and place drink or partake of such liquor, shall be guilty of a misdemeanor, and shall, upon conviction thereof, be fined not less than ten dollars, (\$10) nor more than one hundred dollars (\$100.)

1896, ch. 202.

**105.** It shall be unlawful for the keeper of any hotel, tavern, store, drinking establishment, or any other place where liquors are sold, or for any person or persons, directly or indirectly, to sell, barter, give or dispose of any spirituous or fermented liquors, ale or beer or intoxicating drinks of any kind on the day of any election hereafter to be held in the several counties of this State; any person violating the provisions of this section shall be liable to indictment, and shall upon conviction, be fined not less than fifty dollars, nor more than one hundred dollars for each offense; one-half of the fine shall be paid to the informer, and the other half to the county commissioners for the use of public roads.

Ibid.

**106.** Any person who shall make any bet or wager upon the result of any election to take place in this State, shall be liable to indictment, and upon conviction thereof, shall be fined not less than fifty dollars, nor more than five hundred dollars, to be paid to the State for the use of the school fund. Every deposit of money in any part of this State, as a bet or wager upon the result of any election of this State or elsewhere, shall be forfeited and paid over to the county commissioners of the county where deposited for the use of the county; or, if deposited in the city of Baltimore, to the mayor and city council.

Ibid.

**107.** No commissioned or non-commissioned officer having the command of any soldier or soldiers quartered or posted in any district of any county in this State, shall muster or embody any of the said troops, or march any recruiting party within the view of any place of election, during the time of holding said

election, under the penalty of one hundred dollars. This section is not to apply to the city of Baltimore.

1896, ch. 202.

**108.** Irregularities or defects in the mode of giving notice, or of conveying, holding or conducting a registration or election authorized by law, shall constitute no defense to a prosecution for a violation of the provisions of this article. Every act which by the provisions of this article or the laws of the State, is made a crime when committed with reference to the election of a candidate, shall be equally criminal and subject to the same punishment when committed with reference to a proposition to be submitted to the people to be decided by the votes cast at an election.

Ibid.

**109.** It shall be the duty of the supervisors of elections to aid in the prosecution of all crimes and offenses against this article, and when, in the judgment of supervisors there is probable cause for believing that an offense has been committed, it shall be their duty to cause a prosecution to be instituted in accordance with the provisions of this article.

#### Compensation.

Ibid.

**110.** The sheriffs in the several counties shall, respectively, be allowed the sum of twelve dollars (\$12) for each election held in their county, for the performance of the duties therein required, to be levied as other county charges; provided, that when two or more elections are to be held on the same day the sheriff shall not be allowed more than twelve dollars for such elections. All judges, whether acting as such, or sitting as officers of registration, and clerks of elections, shall be allowed and paid three dollars a day; fractions of a day shall be allowed for at the rate of thirty cents an hour. Each judge and clerk of election, who has performed all the duties and services required of him by this article, shall be allowed pay for his time, as above provided. When any judge or clerk does not perform all the services required by this article, then such board of supervisors

of elections shall audit his time and allow him compensation only for the time during which he has actually served.

#### Miscellaneous Provisions.

1896, ch. 202.

**111.** All oaths required by this article to be in writing, shall have a certificate of the officer taking the same, attached and signed by him, and said supervisors of elections, officers of registration and judges of election are hereby empowered to administer all oaths and affirmations required in the discharge of the duties of their respective offices.

Ibid.

**112.** The word "election," as used in this article, shall be construed to include elections had within any county or city for the purpose of enabling voters to choose some public officer or officers under the laws of this State, or of the United State, or to pass upon any amendment, law or other public act or proposition submitted to vote by law. The word "precinct," as used in this article, shall be construed to mean an election district in a county or an election precinct in such district, or in a ward of the city of Baltimore, as the case may be. In computing the times for notices to be given under this article, Sundays shall be included, except when the day on which said notice should be given, should happen to fall on Sunday, in which event the same shall be given on the Monday following; the day of giving the notice and the day of registration or election shall be excluded.

Ibid.

**113.** In all trials for offenses against any of the provisions of this article, or of any existing law relating to registration or elections, where such offense is punishable by imprisonment in the penitentiary, the State and defense shall each be entitled to twenty peremptory challenges of jurors.

Ibid.

**114.** It shall be the duty of the Attorney-General, within three months after the adoption of this article, to prepare instructions and blank forms necessary for the use of the officers of registration and of election created by this article; and this article, with

said forms and instructions so prepared, and with other provisions of the Constitution and laws touching the same matters, and with a proper index thereto, shall be published by the Secretary of State, and shall be distributed by him to the supervisors of elections, in quantities sufficient to supply the judges of election and other officers requiring the same. The expense of printing shall be paid from the treasury of the State; and the sum of one thousand dollars per annum, or so much thereof as may be necessary, is hereby appropriated out of any funds in the treasury for such printing, and for the employment of any necessary clerical help in preparing and attending to election business by this article assigned to the office of the Attorney-General and that of the Secretary of State. A price shall be fixed by the Secretary of State, at which copies may be furnished to purchasers.

1896, ch. 202.

114 A. At least thirty days before every State election the Attorney-General shall prepare full instructions for the guidance of the voters of such election as to obtaining ballots, as to the manner of marking them and the method of gaining assistance, and as to obtaining new ballots in the place of those accidentally destroyed, with such other instructions as shall, in his opinion, be necessary and proper. Said instructions shall be furnished by the Secretary of State to the several boards of supervisors of elections, who shall respectively cause the same, together with copies of sections 61, 62 and 63 of this article, to be printed in large, clear type, on separate cards, to be called "cards of instruction," and said boards of supervisors shall furnish twelve of the same with the ballots for use in each election precinct. They shall also cause to be printed on light card board or heavy-sized paper, ten or more copies of the form of the ballot provided for each voting place at each election therein, which shall be called "specimen ballots," and the same shall be furnished with the other ballots prepared for each voting place. On the morning of said election the said supervisors of elections shall cause to be conspicuously posted in each polling place, said cards of instruction and fac-simile ballots, and one of said cards of instruction shall be affixed in each booth or voting compartment, and the specimen ballots shall be conspicuously displayed in said polling

1908, ch.

room and on the outside of the building wherein said voting shall take place. Not less than three of said cards and three of said specimen ballots shall be posted outside the guard rails, and not less than three of each of the same shall be securely and conspicuously posted on the outside of the building in which the polls are held, before the balloting begins, in such position that the same may be easily examined by the public.

1896, ch. 202.

**114 B.** The boards of supervisors of elections for the several counties shall have power to employ an attorney, who shall also be the attorney for the judges of election, whether acting as such or as registration officers, to receive such compensation as shall be allowed by the county commissioners upon the approval of the circuit court. In the city of Baltimore, the board of supervisors of elections shall biennially appoint some practising member of the bar of Baltimore city to act as general counsel for the said board and for the officers of registration and judges of election appointed by them, in all matters and proceedings pertaining to their duties, and to appear for and defend the said judges of elections at the hearing of all petitions which may be filed against them as officers of registration under the provisions of this article. For his services such general counsel shall receive an annual salary of twelve hundred dollars, to be paid in equal quarterly instalments by the mayor and city council of Baltimore. He may be removed and other counsel may be appointed in his place, at the discretion of said board, and whenever petitions filed against officers of registration and pending before more than one of the judges of the Supreme Bench of Baltimore city at the same time, he may appoint, with the approval of the board of supervisors, as many additional counsel as may be necessary to assist him in trying said petitions, who shall each be paid such sum, not exceeding one hundred and fifty dollars in any one year, as he shall certify, with the approval of the board of supervisors, to be a reasonable and proper compensation for their respective services; provided that the whole number of counsel retained at any one time, including himself, shall, in no case, exceed the number of judges then engaged in hearing such petitions.

1896, ch. 202.

1904  
1254 117. The boundaries of the election districts of the counties and of the wards of Baltimore city shall remain as now established by law, but before the first general registration held under this article and before every subsequent general registration next preceding a Presidential election, it shall be the duty of the several boards of supervisors of elections to divide and establish precincts in the said election districts or wards, as in the judgment of said board shall best promote the convenience of voters; provided that no precinct, upon the basis of the registry of voters in use at the election in the next year preceding that in which such precincts are divided and established, shall contain over four hundred and fifty (450) registered voters in the city. In dividing and establishing precincts in the city of Baltimore the new precincts shall conform to the boundaries of the Legislative and Congressional districts established by law. The precincts of each election district or ward shall be numbered from one upward, consecutively. The boundaries of said precincts shall be made known by advertisement in one or more newspapers in said counties or city once a week for two successive weeks before the first day of July in each year in which such division is made.

Ibid.

118. The board of supervisors of elections in the city of Baltimore shall moreover, in every year in which such division is made, cause to be prepared maps of said city, showing the boundaries of the wards and precincts as established by said board. They shall furnish a sufficient number of copies of such maps to the officers of registration of each precinct, who shall keep one or more copies of such maps conspicuously posted in the offices of registration during their sittings, and the said board shall furnish copies of such maps to any person who shall apply for the same, and pay fifty cents for each map so furnished him.

#### Contested Elections.

Ibid.

119. All contested elections for Comptroller of the Treasury, judge, clerks of the courts of law and registers of wills, shall be decided by the House of Delegates, and the testimony shall be

taken in such cases in the same manner as herein prescribed in contested seats of the Senate and House of Delegates.

1896, ch. 202.

**120.** All cases of contested elections of any of the officers not provided for in the Constitution or in the preceding section shall be decided by the judges of the several circuit courts, each in his respective circuit, and by the Superior Court of Baltimore city, in the city of Baltimore.

Ibid.

**121.** Each judge of the circuit court and of the Superior Court of Baltimore city may adopt such modes of proceeding and adjudging costs in cases of contested elections, as to him shall seem most satisfactory, but the rules of taking testimony in such cases shall be the same as those which regulate the taking of testimony in contested election cases cognizable by the House of Delegates.

Ibid.

**122.** If either party shall deem himself aggrieved by the decision of any of the circuit courts or the Superior Court of Baltimore city, in cases of contested elections, he shall have a right of appeal to the Court of Appeals, as in other cases, said appeal to be taken within five days from the date of the decision complained of, and shall be heard and decided by the Court of Appeals, as soon after transmission of the record as may be practicable, and the testimony taken in such cases shall be sent up to the Court of Appeals as part of the record.

Ibid.

**123.** The party intending to contest an election for the Senate or House of Delegates, shall give notice of such intention to the person elected, or in case of a tie vote, to the person against whom the contest is to be instituted, within thirty days after the judges of election shall have made known publicly the state of the polls, unless at a special election to fill a vacancy, when such notice shall be given within ten days after the state of the polls is announced by the judges of election.

1896, ch. 202.

**124.** Such notices shall be delivered in writing at the usual residence of the person returned, and if he be absent, shall be left there.

Ibid.

**125.** The party intending to make examination shall, after such notice, apply to some justice of the peace of the county or city wherein the election is contested, and shall obtain a notice under his hand and seal, directed to the opposite party, requiring him to attend in person or by attorney and cross-examine witnesses.

Ibid.

**126.** The justice in such cases shall have the usual power to coerce the attendance of witnesses.

Ibid.

**127.** The notice of the justice shall contain the names of the witnesses with the facts expected to be proved by them, and shall state the time and place of examination, and shall be served on the opposite party or his attorney, at least ten days previous to the proposed examination.

Ibid.

**128.** Every person deposing shall be examined on oath, and his testimony shall be reduced to writing, either by himself, in the presence of the justice, or by the justice, or by a clerk by him appointed and sworn fairly to write down and transcribe the depositions, and shall be transcribed by the deponent.

Ibid.

**129.** The deposition so taken, together with a certificate of the notices and proofs of service of them, shall be sealed up by the justice who took them and transmitted to the presiding officer of the body in which the seat is contested.

Ibid.

**130.** The examination of witnesses, taken in the manner herein prescribed, and in no other, shall hereafter be admitted on trial of contested elections.

1896, ch. 202.

**131.** The copies of any papers recorded in any office of record, attested under the hand and seal of the recording officer, shall be admitted at all such trials in the same manner as the originals would be if produced.

Ibid.

**132.** The copies of any other papers of a public nature, and remaining in possession of a public officer, and extracts from the poll-books, under the hand and seal of the clerk of the court or public officer in whose office they are deposited, shall be admitted as evidence.

Ibid.

**133.** The board of police commissioners in the city of Baltimore and the clerks of the circuit courts in the counties, to whom ballots have been returned under the provisions of this article, shall produce any such ballots in regard to which testimony may be proposed to be taken before a justice of the peace taking examinations in a contested election, and shall furnish said justice copies of the same only on an order first had and obtained from some one of the courts of Baltimore city, or of the circuit courts for the counties, or some one of the judges thereof, and then, in pursuance of the terms and conditions of said order and subject to its restrictions; and said police commissioners of Baltimore city, and said clerk, as the case may be, shall retain such ballots in possession and custody until such ballots shall be required by the order of the court having jurisdiction in the case, to be delivered to said court, or by order of the Senate or House of Delegates, in whichever the seat is contested. 1902 ch. 133

Ibid.

**134.** The justice before whom such depositions shall be taken shall be entitled to the sum of two dollars for every day he may be engaged in the examination of witnesses, and the witnesses shall be entitled to the usual allowance for their attendance before a justice of the peace, to be paid by the party on whose behalf such examination is held and said witnesses are summoned.

1896, ch. 202.

**135.** No person contesting the seat of any one who has been regularly returned by the judges of election as elected to a seat in the Senate or House of Delegates, shall be allowed any per diem, mileage or other pay, unless the party so contesting shall establish his right to such seat.

**Electors of President and Vice-President.**

Ibid.

**136.** On the first Tuesday next after the first Monday of November, preceding the time fixed by law of the United States for choice of President and Vice-President of the United States, there shall be elected by general tickets as many electors of President and Vice-President as this State shall be entitled to appoint.

Ibid.

**137.** Each citizen of this State entitled to vote for delegates to the General Assembly shall have the right to vote for the whole number of electors; and the several persons, to the number required to be chosen, having the highest number of votes, shall be declared and deemed duly appointed electors.

Ibid.

**138.** If any of the persons voted for as electors shall have an equal number of votes, so as to defeat a choice between them, the governor shall determine by lot which of the persons having such equal number of votes shall be electors, so as to complete the whole number to which the State shall be entitled.

Ibid.

**139.** The said election shall in all respects be conducted as other elections, and the returns thereof made and canvassed, as hereinbefore directed.

Ibid.

**140.** Upon the meeting of the persons returned elected as electors of President and Vice-President, or of as many of said persons as may attend on the day appointed by the Constitution and laws of the United States, the said electors who are present,

before proceeding to perform the duties reposed in them, shall fill any vacancy which may exist in the said college of electors at such meeting, whether such vacancy be occasioned by absence or otherwise; and the said person or persons so appointed to fill such vacancy or vacancies shall be entitled to all the rights and privileges of those proclaimed by the Governor as duly elected electors of President and Vice-President of the United States.

1896, ch. 202.

**141.** The electors for this State shall meet in the State House, in the city of Annapolis, and give their votes for President and Vice-President of the United States at the hour of noon upon the first Wednesday in December in the year in which they are appointed.

#### **Representatives in Congress.**

*Ibid.*

**142.** Elections of representatives of this State in the Congress of the United States, shall be held on the Tuesday next after the first Monday in the month of November every two years, commencing in the year eighteen hundred and ninety-six, and taking place every second year thereafter.

*Ibid.*

**143.** If a vacancy should occur by death, resignation or otherwise, at such a period as to make it necessary that a representative or representatives in Congress from this State should be chosen before the regular time for such election, the Governor shall by proclamation direct that a special election be held to fill such vacancy, which proclamation shall require at least twenty days' notice of such election, to be given by the supervisors of elections to the sheriffs of the respective counties or city of Baltimore, comprising the congressional district in which such vacancy may exist.

#### **Congressional Districts.**

*Ibid.*

**144.** This State shall be divided into six districts for the choosing of six representatives in the Congress of the United States, which will be numbered, respectively, from one to six. *1902 ch 136*

1896, ch. 202.

1902  
ch. 136      **145.** The first congressional district shall be composed of Worcester county, Somerset county, Wicomico county, Dorchester county, Talbot county, Queen Anne's county, Caroline county and Kent county, and shall be entitled to choose one representative in the House of Representatives.

1898, ch. 388.

1902  
ch. 136      **146.** The second congressional district shall be composed of the twelfth, sixteenth, seventeenth and eighteenth wards of Baltimore city, of Cecil county, Harford county, Carroll county, and the second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, fourteenth and fifteenth election districts of Baltimore county, and said counties and election districts and wards shall be entitled to choose one representative in the House of Representatives.

Ibid.

1902  
ch. 136      **147.** The third congressional district shall be composed of the first, second, third, fourth, fifth, sixth, seventh, eighth and ninth wards of Baltimore city, and shall be entitled to choose one representative in the House of Representatives.

Ibid.

1902  
ch. 136      **148.** The fourth congressional district shall be composed of the tenth, eleventh, thirteenth, fourteenth, fifteenth, nineteenth, twentieth, twenty-first and twenty-second wards of Baltimore city, and shall be entitled to choose one representative in the House of Representatives.

Ibid.

1902  
ch. 136      **149.** The fifth congressional district shall be composed of St. Mary's county, Charles county, Calvert county, Prince George's county, Anne Arundel county, including the city of Annapolis, Howard county, the first and thirteenth election districts of Baltimore county, and the twenty-third and twenty-fourth wards of Baltimore city, and shall be entitled to choose one representative in the House of Representatives.

1896, ch. 202.

**150.** The sixth congressional district shall be composed of Allegany county, Garrett county, Washington county, Frederick county, and Montgomery county, and shall be entitled to choose one representative in the House of Representatives.

Ibid.

**151.** The judges of the election districts of Baltimore county forming part of the second congressional district, shall make a return separate from that to be made by the judges of the remaining districts of said county, and the judges of the election precincts of Baltimore city, composing the third congressional district, and the judges of the election precincts of Baltimore city, composing the fourth congressional district, shall respectively make separate returns, and separate returns shall in like manner be made by the judges of the election precincts in said city constituting a part of the second congressional district, and also by the judges of the election precincts in said city constituting a part of the fifth congressional district.

Ibid.

**152.** This article shall take effect from and after the date of its passage, and all public general laws or public local laws or parts thereof which are inconsistent with the provisions of this article are hereby repealed; provided, that every offense which has been or shall have been wholly or partly committed against any of said public general or public local laws or parts thereof before this article goes into operation, shall be dealt with, inquired into, tried, determined and punished; and any penalty in respect to any such offense shall be imposed or inflicted, and any fine shall be imposed, enforced or recovered in the same manner as if the said laws or parts thereof had not been repealed; and no case pending shall abate, by reason of such repeal, and every act duly done and every warrant or other instrument duly issued, made or granted before this article comes into operation, shall continue and be of the same force and effect as if the said laws or parts thereof had not been repealed; and provided, also, that any right, liability, privileges and protection in respect to any matter or thing committed or done before this article comes into operation, shall continue and be of the same

force and effect as if the said laws or parts thereof had not been repealed; and every action, prosecution or other proceeding which shall have commenced before this article comes into operation or shall thereafter be commenced in respect to any such matter or thing done before this article comes into operation, may be prosecuted, continued and defended in the same manner as if said laws or parts thereof had not been repealed; and provided, also, that nothing in this article shall be construed to repeal any provisions of the existing laws applicable to the city of Baltimore for the prevention of the sale or dispensing of any liquor or for the preservation of peace and order therein on any election day.

*152-344 added 1902 ch. 296 (Primary Election)*

## ARTICLE XXXIV.

### ESTRAYS—VESSELS ADRIFT—DRIFT LOGS.

- |  |   |
|--|---|
| 1. Notice of estrays to be published and set up. | with the provisions for taking up estrays.                                    |
| 2. Mode of giving notice.                        | 6. Impounding estrays.  |
| 3. Proof of ownership. Payment of costs.         | 7. Word "enclosure," how construed.   |
| 4. Sale of estrays.                              | 8. Counties excluded from the operations of these several preceding sections. |
| 5. Penalty for failure to comply                 |   |

1892, ch. 593.

1. The owner or occupant of any enclosure who may find any horse, hog, sheep, cow or any other domestic animal, the owner of which is not known, trespassing upon the said enclosed premises, shall immediately, or within a reasonable time thereafter, cause a notice to be inserted in some newspaper published in the county where such estray is taken containing a description of the same, and the location of the enclosure upon which such estray was taken, and the name of the owner or occupant thereof, and cause written or printed copies of such notice to be set up in not less than three public places in the neighborhood.

Ibid.

2. If there be no newspaper published in the county where such estray shall have been taken up, or if the value

thereof shall not exceed fifteen dollars, the newspaper publication provided for in the foregoing section, may be omitted, provided written or printed notices be given as required by section one, and that the valuation of the estray be ascertained by appraisement and in good faith by the person taking the same.

1892, ch. 593.

3. If the owner of an estray demands it and shall prove by one creditable witness examined before a justice of the peace of the county his title thereto, the same shall be delivered to him upon his paying the expenses incurred by the person taking up and keeping the same including the cost of advertising.

Ibid.

4. If no person claims an estray within thirty days after the same shall be so advertised as aforesaid, then the person taking up the same shall apply to a justice of the peace of the county, who upon being satisfied that the notices heretofore directed have been given shall order him to sell the same at public auction, on ten day's notice to be set up at three of the most public places of the neighborhood, and after deducting from the proceeds of sale all expenses incident to taking up, keeping, advertising and selling the same the residue shall be retained by the person selling the same, unless the owner of such estray shall within twelve months from time of sale, claim such residue, and prove before some justice of the peace that he is entitled thereto.

Ibid.

5. If any person shall take up an estray and shall fail to comply with the provisions of the preceding sections he shall forfeit and pay ten dollars as well as his interest in said estray.

Ibid.

6. If the owner or occupant of any enclosure, who may find any horse, sheep, hog, cow or other domestic animal trespassing upon the said enclosed premises, the owner of which is known, he may impound the same and have the damages valued on oath by two disinterested citizens of the county, and after so doing shall give notice to the owner thereof of his having

impounded the same and the amount of damages ascertained, and unless the said damages and a reasonable compensation for feeding the property impounded are paid or tendered him may after giving ten days' notice, exclusive of the days of sale and the day of impounding, describing the property, and stating the time and place of sale to be posted at three or more public places in the neighborhood, sell the same at public auction to the highest bidder for cash, and after deducting from the proceeds of sale the amount of damages valued to him and a reasonable compensation for keeping the said property while impounded, he shall pay over the residue when demanded to the owner thereof.

1892, ch. 598.

7. The word enclosure in the preceding section shall be construed to mean a common law enclosure and not an actual enclosure.

Ibid.

8. Dorchester, Caroline, Garrett, Montgomery and Prince George's counties are hereby excluded from the operations of the preceding sections.

Ibid.

8 A. Repealed and re-enacted as section 7.

## ARTICLE XXXV.

### EVIDENCE.

#### Competency of Witnesses.

1 A. Newspaper reporters not compellable to disclose source of news.

Commissions to take Testimony out of the State.

16 A. Testimony of non-resident parties to be taken in the same

way as other non-resident witnesses.

#### Proof of Foreign Debts and other Instruments.

38 A. Copy of record of any corporation of a foreign country where the same may be in-

corporated shall be sufficient evidence.

**Public Statutes, Office Copies and Official Certificates.**

48. Statutes of the United States, States or Territory, Great Britain and Ireland may be

read in evidence from the authorized printed publications thereof.

61. Where transcript of record might be offered in evidence, it shall be sufficient to produce original papers.

**Competency of Witnesses.**

1896, ch. 249.

1 A. No person engaged in, connected with or employed on a newspaper or journal shall be compelled to disclose in any legal proceeding or trial, or before any committee of the Legislature or elsewhere, the source of any news or information procured or obtained by him for and published in the newspaper on and in which he is engaged, connected with or employed.

**Commissions to take Testimony out of the State.**

1896, ch. 399.

16 A. The testimony of non-resident parties to a cause, may be taken, whether in their own behalf or by the opposite party, in the same manner as the testimony of other non-resident witnesses; this is to apply to courts of law and equity, and to proceedings before magistrates; subject however, to the provisions of law in respect to the competency of witnesses.

Goodman v. Wineland, 81 Md. 455.

**Proof of Foreign Debts and other Instruments.**

1898, ch. 478.

38 A. The copy of the record or register of any corporation, which the laws of any foreign country where the same may be incorporated, require to be recorded or registered, and which has been recorded agreeably to such laws, and which is certified under the hand of the keeper of such record or register and the seal of the court or office in which said record or register is kept, and which is also certified to be in due form and by the proper officer, making reference to the act under which corporations are formed under the laws of such foreign country, shall be good and sufficient evidence in any court of this State to prove such incorporation.

**Public Statutes, Office Copies and Official Certificates.**

1898, ch. 342.

**48.** The public or private statutes of the United States, or of any State or Territory of the United States, or of the United Kingdom of Great Britain and Ireland, may be read in evidence from any printed volume purporting to contain the Statutes of the said United States, State or Territory, or the United Kingdom of Great Britain and Ireland; and the said printed volume shall in all cases be received as evidence of said statutes without any further authentication or proof thereof.

1890, ch. 318.

**61.** In any suit, action or proceeding at law now depending or hereafter to be instituted in any of the courts of law of this State, wherein a transcript of the record of any cause in any other court in this State might be offered in evidence, it shall be sufficient to produce the original papers and proceedings in said last mentioned cause, together with a transcript under seal of the docket entries therein and offer the same in evidence, and the same when so produced and offered in evidence shall have the same effect to all intents and purposes as a transcript of the record under the seal of the court wherein the same are, and such production may be had by any party to a suit, action or proceeding upon a *subpoena duces tecum* issued on the special order of the court in which the same is pending, to the clerk of the court wherein such docket entries, original papers and proceedings may be.

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## ARTICLE XXXVI.

**FEES OF OFFICERS.**

**9.** Officers' fees to be approved by judges; counties to which applicable. Fees shall not be allowed in criminal cases under jurisdiction of justices of the peace.

**Clerks of Courts.**

**12.** Fees of such officers.

**Coroners and Coroners' Inquests.**

**17.** Juror's fee. Fee to constable for summoning juror.

1892, ch. 91. 1896, ch. 409.

2. No account for officers fees by any of the several officers herein named, rendered for services to or in behalf of the counties of this State in this section named, shall be allowed by the county commissioners thereof, until said account has been submitted to and approved by the judges of the circuit court for said county, or a majority thereof; and no charge for officers fees shall be paid or allowed by the county commissioners aforesaid, in any criminal case where jurisdiction to try, hear and determine the matter charged against the party accused has been conferred by law upon justices of the peace, but the county commissioners may levy or pay to the officers performing service in such cases, such compensation as they, in their discretion, may deem right and proper. This section shall apply only to the counties of Caroline, Kent, Queen Anne's, Talbot, Prince George's, Charles and Harford.

#### Clerks of Courts.

1892, ch. 222.

12. The clerk of the court of appeals, the clerks of the circuit courts and the clerks of the courts of the city of Baltimore, may charge the fees herein allowed for the performance of their respective duties, to wit:

For filing any paper, or thing required to be filed, and entering the same on the docket or minutes of court, to be charged but once. . . . .	\$ 5
For docket entry of any judgment or decree. . . . .	25
For entering the naturalization of an alien with certificate under seal, including all oaths taken thereon. . . . .	50
For entering the declaration of intention of an alien to become a citizen with certificate under seal, and all oaths taken thereon. . . . .	50
For granting any license of any kind . . . . .	50
For taxing the costs in any suit or proceeding, to be charged but once. . . . .	15
For a transcript thereof with the items thereof, at large when demanded, to be charged to any person requiring the same. . . . .	10
For every search for matter above a year's standing, however remote the period may be, if found. . . . .	15

For affixing the seal to every paper, or thing when required, except writs and process.....	\$ 10
For issuing writs or process of any kind under seal, for every ten words and so pro rata.....	1½
For issuing summons for witness, including the names of all witnesses applied for at the time.....	15
For issuing summons for witnesses <i>duces tecum</i> .....	20
For short copy of judgment not under seal. ....	15
For transcribing the docket entries in each suit and of each executive as required by law, for each transcript..	25
For certificate of the attendance of a witness or juror....	5
For certificate under seal of the qualification of any judge, or one or more justices of the peace to any instrument of writing, including all searches made for the purpose of said certificate.....	25
For certificate under seal of an admission of an attorney	1 00
For recording anything required by law to be recorded, and for copies of any papers for each ten words or figures and pro rata.....	1
For arraigning a criminal.....	50
For drawing, empaneling and swearing a petit jury, and entering the same on the docket....	75
For drawing, empaneling and swearing a grand jury, and entering the same on the minutes of the court .....	1 25
For each oath taken in court, and entering the same ...	5
For each entry necessary to be made on the docket or minutes of the court, except those above mentioned.....	5
For making alphabets, and lists of transfers of property, for each ten words, and so pro rata, except alphabets to dockets.....	1½
For extracting all deeds, for each ten words or figures, and pro rata.....	1½
For copying surveyors' photos, or recording the same, the same per diem allowed to surveyors for making them.	
All original papers, to which a party is entitled, to be delivered without charge for a search.	
No search to be charged for looking for any judgment, or other record, or thing, of which a copy is required or which may be necessary to be recited in any suit or process.	

No charge to be made for any docket entry not actually made, for receiving and paying over all public money received for licenses, fines or otherwise, five per centum, except the clerk of the court of common pleas, who shall receive one per centum commission for receiving and paying over such public money.

For entering satisfaction of judgment on justices docket... \$ 15

For granting hawkers' and peddlers' license, to be paid by the hawker or peddler... 1 00

Belt v. Prince George's Co. Abstract Co., 78 Md. 292.

### Coroners and Coroners' Inquests.

1894, ch. 809.

17. Each juror who may serve on a coroner's inquest shall be entitled to one dollar; and the constable who may be directed by any coroner or justice to summon such jury, or the coroner, except in Baltimore city, if the jury be summoned by him, shall be entitled to fifteen cents for each juror summoned, to be paid as above directed.

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## ARTICLE XXXVIII.

### FINES AND FORFEITURES.

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|--|---|
| 3. Discharge from jail for non-payment of fines and forfeitures. | 4. Distribution of fines and forfeited recognizances. |
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1898, ch. 87.

3. Any person who shall or may hereafter be committed to jail on any charge, including contempt of court, by the judgment of any court of justice, or by any justice of the peace of this State, for non-payment of any fine and costs not exceeding the sum of fifty dollars, who shall have remained in custody as aforesaid for the space of thirty days; or any person who shall or may hereafter be committed to jail aforesaid for non-payment of any fine and costs above fifty and not exceeding one hundred and fifty dollars, who shall have remained in custody aforesaid

for the space of sixty days ; or any person who shall or may hereafter be committed to jail aforesaid for the non-payment of any fine and costs above one hundred and fifty and not exceeding five hundred dollars, who shall have remained in custody aforesaid for the space of ninety days ; or any person who shall or may hereafter be committed to jail aforesaid for the non-payment of any fine and costs above five hundred dollars, who shall have remained in custody aforesaid for the space of six months, shall be discharged from further imprisonment on account of said fine and costs.

1898, ch. 407.

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ch. 23      4. One-half the fines imposed and recognizances forfeited to the circuit court for the several counties of the State shall be paid to the clerks of the respective courts, to be expended under the direction of the judge or judges of said courts for the augmentation of the libraries of said courts.

## ARTICLE XXXVIII A.

### FIRE MARSHAL.

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|---|--|
| 1. State Fire Marshal. Appointment, qualification, oath, bond, vacancy, how filled. | 5. Location of office.   |
| 2. Duties of such officer.  | 6. Fire marshal to make reports to board of fire commissioners and county commissioners. |
| 3. Power of such officer to subpoena witnesses. Other powers.                       | 7. Fire insurance companies to report loss to fire marshal.                              |
| 4. Limit of expenses of office. Salary of fire marshal. Expenses allowed.           |  |

1894, ch. 248.

1. The Governor of the State of Maryland shall, by and with the advice and consent of the Senate, biennially appoint an officer to be known as the State fire marshal, who shall hold his office until his successor shall have been duly appointed and qualified ; he shall be a citizen of the State, and be subject to removal, for cause, at any time by the Governor ; and in the event of the death, resignation, refusal to act or removal of said

officer during a recess of the Legislature, the Governor shall appoint some one to fill said office for the unexpired term; and before entering upon the discharge of his duties under this act, said officer shall take and subscribe before the clerk of the superior court of Baltimore city, the oath or affirmation required by the sixth (6th) section of article one (1) of the Constitution of Maryland, and shall also give bond to the State of Maryland in the penalty of five thousand dollars (\$5,000), conditioned for the faithful discharge of the duties by this act incumbent upon him.

1894, ch. 248.

2. It shall be the duty of the said fire marshal to examine into the causes, circumstances and origin of all fires occurring within the State, to which his attention may be called, and which in his judgment require examination; and in making said examination the said fire marshal may, when in his judgment said proceedings are necessary, take the testimony on oath of all persons supposed to be cognizant of any facts, or to have the means of knowledge in relation to the matters herein required to be examined and enquired into, and cause said testimony to be reduced to writing; and when in his judgment such examination discloses that the fire was of incendiary origin, he may cause the supposed incendiary to be arrested and charged with the crime; and shall transmit a copy of the testimony so taken to the State's attorney for the county or city wherein said fire occurred; and upon request of the owner or insurer of any property destroyed or injured by fire, the said fire marshal shall make a written report to the person requesting the same, of the result of the examination made by him regarding said property; and said fire marshal shall annually report to the Governor the result of all examinations made by him.

Ibid.

3. The fire marshal shall have power to subpoena witnesses, and to compel their attendance before him to testify in relation to any matter which is, by the provision of this act, a subject of inquiry and investigation by the said fire marshal, and shall also have power to cause to be produced before him such papers as he may require in making such examinations; the said fire marshal shall be and he is hereby authorized to administer oaths and affir-

mations to persons appearing as witnesses before him ; and false swearing in any matter of proceeding aforesaid shall be deemed perjury and shall be punishable as such ; and the said fire marshal shall have authority at all times of the day or night, in the performance of the duties imposed by the provisions of this act, to enter upon and examine any building or premises where any fire shall have occurred, or which at the time may be burning, and also the power to enter upon at any time any building adjacent to that in which the fire occurred, should he deem it necessary to the proper discharge of his duties.

1894, ch. 248.

4. The entire expense of the office hereby created shall not exceed fifty-five hundred dollars (\$5,500) a year, which shall be paid out of moneys paid into the State treasury by or for the insurance companies doing business in this State ; and immediately upon the qualification of the fire marshal, as provided herein, the treasurer of the State shall, upon the warrant of the Comptroller, pay to the said fire marshal the sum of twenty-seven hundred and fifty dollars (\$2,750), and a like sum at the expiration of each succeeding period of six months, and out of the moneys thus by said fire marshal received, he shall pay himself a salary of twenty-five hundred dollars (\$2,500) per annum, payable in monthly installments ; and he shall provide himself a clerk at a salary not exceeding twelve hundred dollars (\$1,200) a year, also payable monthly ; he shall also be allowed out of said moneys a sum not exceeding five hundred dollars (\$500) a year for office rent, and may employ from time to time such other clerical and other assistants, and provide himself with such means of conveyance as in his judgment the necessities of the office may require ; and when in the proper discharge of his duties he is compelled to go outside the limits of the city of Baltimore, he shall be allowed his traveling, hotel and other necessary expenses ; he shall also provide himself with such office fixtures and appliances as the needs of his office may require ; and at the end of each year, accounting from the date of his qualification as fire marshal, he shall make to the comptroller, under oath, a full report of the receipts and disbursements received and made by him during the preceding year, and shall at the same

time pay into the State treasury any balance of said sum of fifty-five hundred dollars (\$5,500) that may then remain unexpended; and said fire marshal shall keep or cause to be kept full and accurate accounts of the finances of his office, and shall also keep or cause to be kept an accurate record of his official acts.

1894, ch. 248.

5. The said fire marshal shall have an office in the city of Baltimore, but in making examinations as to fires occurring outside of the city of Baltimore, the fire marshal shall, when in his judgment the proper discharge of his duties require it, visit the county town or city where such fires occurred.

Ibid.

6. The fire marshal shall, at the request of the board of fire commissioners of the city of Baltimore or the county commissioners of any county, or the municipal authorities of any incorporated city or town in this State, make to them a written report of the examination made by him regarding any fire happening within their respective jurisdictions.

Ibid.

7. It shall be the duty of each fire insurance company or association doing business in this State, within ten days after the adjustment of any loss sustained by it, to report to the fire marshal, upon blanks by him furnished, such information regarding the amount of insurance, the value of the property insured and the amount of claim as adjusted, as in the judgment of said fire marshal it is necessary for him to know.

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## ARTICLE XXXIX.

### FISH AND FISHERIES.

#### Potomac.

40. Time regulated for catching bass and other fish.

41. Penalty for violating these provisions.

42. Where this law may not apply.  
When to become effective.

43. When unlawful to catch black bass and other fish.

44. Penalty for violation of this law.

45. Where this law is not to apply.  
 46. Repealed by 1896, chapter 898.

### **Exploding Dynamite to Catch Fish.**

- 78 A. Unlawful to use explosives to catch fish in Chesapeake bay.  
 78 B. Penalty for violation of this law. Disposition of fines.  
 78 c. Disposition of fines collected.

### **Commissioners of Fisheries.**

89. Annual appropriation for carrying out the provisions of sections 80, 81 and 87. Commissioners to make annual reports.

### **Chesapeake Bay.**

90. License required for catching fish in Chesapeake bay below Pool's Island.

91. Cost of license. Clerk's fee for collecting license. License to be credited to the "oyster fund."

92. Oath of applicant for license.  
 93. Comptroller to have blank licenses printed.

94. Limits of setting fyke nets and other like contrivances.

95. Penalties for violating sections 90 to 98.

96. State fishery force to see that the provisions of sections 90 to 99 are carried out.

97. Application of fines.

98. Where pound nets and stake nets shall be prohibited. Penalties.

99. Sheriff and constables to make arrests.

100. Sections 90 to 99 not to apply to "hook and line."

101. Limits defining head waters of Chesapeake bay.

### **Potomac.**

1896, ch. 427.

**40.** It shall not be lawful for any person to catch or kill any black bass, green bass, rock bass, pike or pickerel, or wall-eyed pike (commonly known as salmon,) between the 15th day of April and the 1st day of June of each year; nor catch or kill any of said species of fish at any other time during the year, save only with a rod, hook and line or dip net. The words "hook and line" shall not include trot lines or out lines.

Ibid.

**41.** Any person violating the provisions of section 40 shall be guilty of a misdemeanor, and shall be punishable, on conviction, by imprisonment in the county jail not exceeding six months, or by a fine not exceeding \$200, or by fine and imprisonment; and it shall be the duty of the circuit court of the counties abutting on the Potomac river above the Little Falls, at each session of the Grand Jury to call its attention to the provisions of this law.

1896, ch. 427.

**42.** The provisions of sections 40 and 41 shall not be applicable below the Little Falls, near Washington, and the same shall become effective whenever they shall be adopted by Virginia and West Virginia, and the proclamation by the Governor of this State of such action by the said States of Virginia and West Virginia.

1896, ch. 393.

**43.** It shall not be lawful for any person to catch or kill any black bass, green bass, pike or pickerel, or wall-eyed pike (commonly known as salmon) in the tributaries of the Potomac river, between the fifteenth day of April and the first day of June of each year; nor catch or kill any of said species of fish at any other time during the year, save only with a rod, hook and line or dip-net.

Ibid.

**44.** Any person violating the provisions of section 43 shall be guilty of a misdemeanor, and shall be punishable, on conviction, by imprisonment in the county jail not exceeding six months, or by a fine not exceeding two hundred dollars, or by fine and imprisonment.

Ibid.

**45.** The provisions of sections 43 and 44 shall not be applicable below the Little Falls, near Washington, and shall not apply to that part of the waters of the Monocacy river, and its tributaries lying in Creagerstown and Woodsboro districts, Frederick county, and Middlebury district in Carroll county, from the bridge over the Monocacy river on the turnpike road leading from Woodsboro to Creagerstown in Frederick county to the head of the Monocacy river and its tributaries.

1896, ch. 393.

**46.** Repealed.

#### **Exploding Dynamite to Catch Fish.**

1892, ch. 78.

**78 A.** It shall be unlawful to explode any dynamite or other substance of like explosive nature in the waters of the Chesa-

peake bay, or any of the tributaries thereof, within the limits of the State of Maryland, for the purpose of taking or catching fish thereby.

1892, ch. 78.

**78 B.** Any person violating the provisions of the foregoing section, upon indictment and conviction for the same in any circuit court for the county, or Criminal Court of Baltimore wherein the offense may have been committed, shall be fined not less than three hundred dollars and the cost of prosecution; and upon failure to pay the same shall be confined in the house of correction for not less than one year.

Ibid.

**78 c.** All fines collected under the two preceding sections shall be paid one-half to the informer and the other half into the treasury of the State of Maryland.

#### **Commissioners of Fisheries.**

1890, ch. 189.

**89.** The further sum of ten thousand dollars per annum, or so much thereof as may in the opinion of the Governor be necessary, is appropriated for the purpose of enabling said commissioners to carry out the provisions of sections eighty, eighty-one and eighty-seven, and the comptroller shall issue his warrant on the treasurer for the payment of said sum on requisition of said commissioners in such amounts as they may require, approved by the Governor out of any moneys in the treasury not otherwise appropriated; and said fish commissioners shall annually render to the comptroller of the State for the inspection of the General Assembly, strict and accurate itemized accounts of all moneys received by them from the State, and of the disbursement or expenditure of the same with vouchers therefor; and the comptroller at each session of the General Assembly shall make a report thereof showing whether said fish commissioners have complied with the law.

#### **Chesapeake Bay.**

1896, ch. 441.

**90.** Any resident of this State, desiring to engage in the business of taking or catching of fish for sale, by the use of pound

nets, fykes, haul seines or other contrivances, except hook and line, within the waters of the Chesapeake bay, below Pool's island, and within the jurisdictional limits of the State of Maryland, shall first obtain by application to the clerk of the circuit court for the county wherein he may reside, or the clerk of the court of common pleas of Baltimore city, a license therefor, and such license shall have effect from the first day of February, in the year in which it may have been obtained, to the first day of February, inclusive, next succeeding; and provided further, that such license shall not authorize the taking or catching of fish, except with hook and line, within the jurisdictional limits of any county or counties in this State.

1896, ch. 441.

91. Each and every license to take or catch fish for sale under the provision of section 90 of this article, shall state the name, age and residence of the person to whom the same is to be granted, and every applicant for such license shall pay to the clerk of the circuit court or the clerk of the court of common pleas of Baltimore city, when such license shall be granted and before the delivery of the same, the sum of five dollars; the clerk to receive the sum of twenty-five cents per each and every license so issued, as a fee for issuing the same, including the administering of the oath when required; and the said amount of license received for issuing same shall be paid over by the clerk into the treasury of the State of Maryland, to be credited to the "Oyster Fund."

Ibid.

92. Every applicant for license to take or catch fish for sale, under the provisions of this article, shall be required to make oath or affirmation before the clerk authorized to issue the same, or before some justice of the peace, on whose certificate of the taking of such oath or affirmation, the clerk shall issue said license, that "the facts set forth in said license are strictly true; that he has been a *bona fide* resident of the State of Maryland for the twelve months next preceding his application for said license, and that no non-resident of the State of Maryland is either directly or indirectly interested in use of said pound net, fyke or haul seine or other contrivance used in taking fish for

sale, or any boat or vessel used in the prosecution of said fishing, of pound nets, fykes, haul seines, or other contrivances in the taking or catching of fish for sale."

1896, ch. 441.

**93.** The comptroller of the treasury shall cause to be printed and delivered to the clerk of the circuit courts for the several counties the requisite number of such blank licenses, and take receipt for the same, and for other licenses furnished; and said clerks shall, on the first Monday in July and December, of each year, return to the comptroller a list and account of such licenses issued by them, and at the end of each year shall return all unused blank licenses to him, and shall pay over to the comptroller all the moneys received by them for such license, which amount the said comptroller shall place to the credit of the "Oyster Fund."

Ibid.

**94.** It shall not be lawful for any person in taking fish for sale by the use of pound nets, fykes or other contrivances, now known or hereafter invented, to set such pound nets, fyke nets or other contrivances, now known or hereafter invented, in waters of the Chesapeake bay, within the jurisdictional limits of the State of Maryland, and below Pool's island, in the Chesapeake bay, at a greater length than 800 yards from low water mark; and any person violating this section shall, upon conviction thereof, before some justice of the peace of any county of this State most accessible, be fined the sum of not less than twenty or more than one hundred dollars, or shall forfeit said net or nets, together with the boats and tackles used in the violation of sections 90, 91, 92, 93, 94, 95, 96, 97, 98, of this article, or be subject to both fine and forfeiture, in the discretion of the justice of the peace trying the same; provided, that the party feeling aggrieved shall have the right of appeal as in other cases tried before justices of the peace; and provided further, that in case of appeal, the person appealing shall give to the State of Maryland a good and sufficient bond, covering double the amount of the fine or forfeiture, in case of forfeit, so as to secure to the State the amount of fine and forfeiture, in case he does not prosecute his appeal with effect.

1896, ch. 441.

**95.** Any non-resident of this State violating any of sections 90, 91, 92, 93, 94, 95, 96, 97 or 98 of this article, by the use of any pound net, fyke net, haul seine or other contrivance, now known or hereafter invented, in the taking or catching of fish, shall, on conviction thereof before some justice of the peace of any county of this State most accessible, forfeit said pound net, fyke net, haul seine or other contrivance, now used or hereafter invented for taking fish, together with all boats, vessels, and tackle used in the violation of any of said sections, or fined a sum of not less than fifty dollars and not more than one hundred dollars, or be subject to both fine and forfeiture, in the discretion of the justice of the peace trying the same, provided the person feeling aggrieved shall have the right of appeal to the circuit court for said county, under the provisions of the 94th section of this article.

*Ibid.*

**96.** It shall be the duty of the commander of the State fishery force to command the deputies under his charge, to see that the provisions of sections 90 to 99, inclusive, of this article, are not violated, and to arrest all persons found violating any provisions of sections 90 to 98, inclusive, of this article, and take the said offender or offenders to the nearest or most accessible justice of the peace of any of the counties of this State, to be dealt with according to law.

*Ibid.*

**97.** All fines collected by the justices of the peace, under the provisions of sections 90 to 98, inclusive, of this article, shall, within ten days thereafter, be paid to the clerk of the circuit court for the county in which the justice of the peace may reside, and by the said clerk be paid into the treasury of the State, to be credited to the "Oyster Fund," and that the provisions of these sections of the sub-title "Chesapeake Bay" shall not apply in any sense to any of the tributaries of the Chesapeake bay.

*Ibid.*

**98.** The use of pound nets or stake nets shall be absolutely prohibited in the Chesapeake bay, north of the line one mile

south of Pool's Island, except the bay shore of Kent county up to Howel's Point at the mouth of Sassafra river, and also on the Susquehanna river; and any person who shall engage in fishing for sale, with the use of said pound nets, stake nets or similar contrivance now used or hereafter invented, shall be subject to the same fines and penalties as are prescribed in section 94 of this article. And provided further, that all persons using haul seines and similar contrivances, except pound nets and stake nets, which are hereby prohibited, shall pay the same license and be subject to the provisions of all the sections under the sub-title "Chesapeake Bay," of this article, except gill nets, which are exempted.

1896, ch. 441.

**99.** The sheriff or any of the constables of any of the counties of this State, where any violations of any of the sections 90 to 98, inclusive, of this article shall come to his knowledge or upon the warrant of some justice of the peace of any of the counties of this State, shall apprehend the said person or persons charged with the violation of any of said sections, and take the said person or persons to the nearest or most accessible justice of the peace, to be dealt with according to the provisions of said sections; and it shall be the further duty of the sheriff, or any of the constables of the county, in case of a forfeiture of any net or nets, boat or boats, or tackle, by any justice of the peace of any of the counties of this State, under any of the provisions of said sections, to hold and take possession of said nets, boats or tackle thus forfeited as aforesaid, and to offer the said net, nets, boat, boats or tackle for sale for cash to the highest bidder, after having advertised the same for sale in one or more conspicuous places in the neighborhood of said sale, setting forth the time, place and terms of said sale, and the proceeds of such sale shall apply in the first place to the costs and charges incident to judgment, costs and forfeitures, and costs of seizure, sale and other costs incident to said sale, and the balance shall pay over to the clerk of the circuit court for the county in which the sale is made, and by the said clerk said balance shall be paid over to the comptroller of the State, to the credit of the "Oyster Fund."

1896, ch. 441.

**100.** The provisions of sections 90 to 99, inclusive, shall not apply in any way to the use of the rod, hook and line in the taking or catching of fish at any time during the year, or gill nets for family purposes.

Ibid.

**101.** The lines defining the headwaters of the Chesapeake bay at or near the mouth of the Susquehanna river, shall be defined as follows: All waters west and south of the following line shall be considered as belonging to the Chesapeake bay, to wit: A line drawn from Carpenter's Point, thence to Grove Point; and a line drawn from Grove Point to Howel's Point, but not to include any tributary of said bay.

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## ARTICLE XL.

### GENERAL ASSEMBLY.

**2.** Limit of the cost of stationery furnished to the General Assembly and officers.

1890, ch. 486.

**2.** It shall be lawful for the State librarian to furnish each member of the General Assembly, the chief clerk of the house of delegates, secretary of the senate, reading clerk of each house, journal clerk of each house, the sergeant-at-arms of each house, and the chief engrossing clerk of each house, an amount of stationery not exceeding in value twenty five dollars; any member or officer above named may, at his election, take such amount either in stationery or money, or both, to said amount.

*H to 14 Incl. 1900 ch. 328.*

## ARTICLE XLI.

## GOVERNOR.

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| 15. Governor to proclaim names of persons elected as electors of president, vice-president and also as members of Congress. | 24. Appropriation for payment of clerical help employed by the Governor in election business before department. |
| 28. Repealed by act of 1890, ch. 122.   |   |

1890, ch. 67.

**15.** The Governor upon receiving the returns of election for electors to choose a president and vice-president of the United States and for members to represent this State in the congress of the United States, shall enumerate and ascertain the number of votes given for each person voted for as an elector and member of congress respectively, and shall thereupon declare by proclamation signed by him, the name or names of the person or persons duly elected, and shall cause such proclamation to be inserted in such newspapers as he may direct.

1890, ch. 122.

**23.** Repealed.

1892, ch. 325. 1896, ch. 259.

**24.** The Governor is authorized and empowered to employ such clerical help as may be necessary to assist in the executive department in preparing and attending to such election business as is now, or may hereafter by law be assigned to that department, or to the Secretary of State; and the sum of two thousand dollars per annum, or so much thereof as may be necessary, is hereby appropriated out of any funds in the treasury, not otherwise appropriated, for the payment of such clerical help.

## ARTICLE XLII.

## HABEAS CORPUS.

## Procedure in Relation to Minors.

20. Minors brought upon *habeas corpus* from private custody; what orders court may pass.

## Procedure in Relation to Minors.

1890, ch. 70.

20. Whenever a minor is brought before a court or judge upon *habeas corpus* in private custody, the court or judge, in the determination of the case, shall be guided and controlled by a parental consideration of what is demanded by the best interests of such minor, and the custody shall be determined without regard to technicalities of procedure and without reference to any alleged technical claim or right of custody; the minor, when brought up by *habeas corpus*, shall be deemed to be in the custody of and subject to the order of the court or judge issuing the writ or hearing the case, and the court or judge may adjourn the examination from time to time, and shall not allow the proceedings to be controlled by the parties thereto, or any of them, and it shall not lie within the power of the parties, or any of them, to dismiss the case or settle it; a minor, in such proceeding may be removed from the custody of his parent, appointed guardian, or other legal custodian; he may be committed to the care of any person, body corporate or institution, upon such terms and for such period as the court or judge may deem beneficial; if it be made to appear that such course is demanded by the temporal or moral welfare of the minor, it shall be the duty of the court or judge to commit him to the care or custody of any charitable, reformatory or other institution, incorporated under the laws of this State, subject to the discipline and regulations of such institution, and to the further order and direction of the court or judge; and any court or judge disposing of the custody of a minor upon *habeas corpus* may assume and retain jurisdiction over such minor in as ample a manner as a court of chancery, or judge of a court of chancery upon bill or petition, and may pass such other and further orders in relation to his care and custody as may be deemed just and beneficial.

## ARTICLE XLIII.

## HEALTH.

**State Board of Health.**

5. Tenure and duties of secretary to board of health.
6. Secretary shall be State Registrar of Vital Statistics. His duties as such.
- 6A. Health officers of all cities and towns, not otherwise provided, shall be *ex officio* local registrars of vital statistics.
- 6B. All physicians shall be sub-registrars. Their authority as such.
- 6C. What record of births and death shall contain.
- 6D. Blank forms of certificates and returns to be distributed wherever needed.
- 6E. Coroner, undertaker or persons in attendance to make report of death, if no physician shall be in attendance. How interment shall be made in case of death from contagious disease.
- 6F. How application for permit to disinter shall be made.
- 6G. Certificate of birth must be furnished the proper officer of town or district.
- 6H. Who shall give notice of birth or death.
- 6I. Records of births and deaths shall be preserved by registrar and be open to inspection. Proviso.
- 6K. Registrars' fees for permit to disinter; also for copy of record of birth or death.
- 6L. Registrar to bind and preserve certificates. Fee for certified statement of birth or death.
- 6M. Penalty for failure to report birth or death.
- 6N. Appropriation for defraying expenses of office of State Registrar.
7. Compensation of State board of health; proviso.
8. Duty of State board of health in event of invasion of contagious disease.

**Infectious Diseases.**

- 34 A. Report of existence of or death from any contagious disease in any household must be made to the board of health. Penalty for neglect.
- 34 B. In such case physician in attendance must give notice.
- 34 C. Board of health to keep record of such reports. Duty of board upon receiving such notice.
- 34 D. Board of health to notify State board of health.
- 34 E. Doubtful questions to be referred to State board of health.
- 34 F. Duty of mid-wife or attendant in cases of lying-in-woman suffering with fever. Penalty for neglect.
- 34 G. Physician or acting physician must report all deaths from infectious disease to secretary of the State board of health. Contents of report.
- 34 H. Duty of hotel-keeper, boarding house keeper, manager of institution, etc., in cases of existence of infectious disease, where there is no physician in charge.

- 34 j. Penalty for neglect or refusal to obey the law in this regard.
- 34 k. Regulation where no special health department has been established.
- 34 l. Regulations as to infected articles. Damages.
- 34 m. Regulations as to removing or abating nuisances in places where there is no special health department.
- 34 n. Penalty for neglect or violation of these regulations.
- 34 o. Duty of State's attorney upon complaint as to such offense.
51. Provisions of this sub-title not to apply to mid-wife.
52. Boards of medical examiners to make report.
53. All practising physicians or surgeons must be registered.
54. Qualifications of registered physicians or surgeons.
55. License must be filed in circuit court before persons commencing practice subsequent to June 1, 1892 may be registered.
56. Applications of physicians and surgeons from other States.
57. Who are to be regarded as duly registered physicians and surgeons. Registration fee.

#### **Practitioners of Medicine.**

39. Must possess qualifications required by this article.
40. Two boards of medical examiners, Allopathic and Homeopathic. Their number of members, qualifications and term of office, etc. Who shall not serve. Vacancies.
41. Meetings of such boards for examining applicants for license, etc.
42. Schedule of written examination. Votes of examiners.
43. Written applications of persons commencing the practice of medicine must be made to the board. Requirements of applicants.
44. Conduct of examinations.
45. Examination fee.
46. Refusal of license for deficiency in examination.
47. Form of license.
48. Licenses to be filed. Record open for inspection. Registration fee.
49. To what physicians or surgeons this sub-title not applicable.
50. Penalty for violating the provisions of this sub-title.
58. Penalty for obtaining registration under false statement.
59. Penalty for failure to register.
60. Petition for the removal of person wrongfully registered. Proceedings thereon.
61. Construction of the term "Practising Medicine or a Practitioner of Medicine."
62. Prosecutions, how conducted. Expenses, how paid.
63. Authority of board of medical examiners as to collection and disbursement of funds.

#### **State Veterinary Medical Board.**

64. Appointment, qualifications and powers of such board.
65. Requirements of persons practising veterinary medicine or surgery.
66. Meetings of said board.
67. Such board to examine diplomas and hold examinations.
68. Examination of applicants.
69. Who to be regarded as practising veterinary surgery.
70. Register of practitioners must be kept and published once a year.

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| <p>71. Such register to be completed within six months from April 6, 1894.</p> <p>72. Said board may reject applicants.</p> <p>73. Practising without diplomas unlawful.</p> <p>74. No money to be paid out of State treasury for purposes of this sub-title.</p> <p>75. Penalty for failure to register.</p> <p>76. Board to prosecute offenders.</p> <p>77. Disposition of fines under this sub-title.</p> <p>78. When services of veterinary surgeon may be dispensed with.</p> <p><b>Adulteration of Food and Drink.</b></p> <p>79. Mixing food or drink with color or stain. Sale of such mixed food or drink.</p> <p>80. Mixing glucose or grape sugar with syrup, honey or sugar, or oleomargarine, suine or beef fat with butter or cheese with-</p> | <p>out labelling, unlawful. Exception.</p> <p>81. Deleterious adulteration of vinegar, wine, spirituous or malt drinks unlawful.</p> <p>82. Penalty for such adulteration.</p> <p>83. Penalty for selling diseased or decayed poultry, meats, fruits or vegetables.</p> <p>84. Duty of State board of health in carrying out the provisions of this sub-title.</p> <p>85. Power of said board to forbid sale of deleterious or unsound articles.</p> <p>86. Power of said board to examine live animals and inspect foods and drinks and forbid sale. Penalty for refusing to obey orders of said board.</p> <p>87. State's attorney to appear and prosecute.</p> <p>88. Appropriation for defraying expenses of examination of suspected articles of food and drink.</p> |
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### State Board of Health.

1898, ch. 312.

5. The secretary shall hold office as long as he shall faithfully discharge the duties thereof, but may be removed for just cause at a regular meeting of the board, a majority of the members voting therefor; he shall keep a record of the transactions of the board and an account of all expenditures by them; he shall, whenever necessary or practicable, correspond and consult with boards of health of other States, and with the local boards and health officers in this State, and secure an interchange of all useful sanitary information, especially respecting the causes, treatment and progress of epidemics; he shall keep on file all reports received from such boards and all correspondence relating to the duties of this board; he shall prepare blank forms of returns, and such instructions as may be necessary, and forward them to the several local boards of health throughout the State; he shall, when requested by local boards, visit their respective dis-

tracts, cities or villages to investigate the cause of any existing disease, and shall, from time to time, and whenever directed by the Governor or Legislature, make special inspections of public hospitals, asylums, prisons, and other institutions, and shall, at each session of the Legislature, submit, through the board, a full report of his investigations, with such suggestions and recommendations as he may deem proper; he shall, when required by the Governor or other proper authorities, advise in regard to the location, drainage, water supply, disposal of excrement, heating and ventilation of any public institution or building belonging to the State; he shall collect information concerning vital statistics, prevailing diseases and the general hygiene of the State, and through an annual report and otherwise, as the board may direct, shall disseminate such information among the people; he shall receive from the treasury, in monthly payments, an annual salary of three thousand dollars, to be paid on the warrant of the comptroller, out of any money in the treasury not otherwise appropriated.

1898, ch. 812.

6. The secretary of the State board of health shall be the State Registrar of Vital Statistics for Maryland; he shall, under the direction of the State board of health, prepare the necessary methods, books and forms for accurate registration of births and deaths, and shall supply the local registrars, health officers, ministers, physicians, undertakers, mid-wives and other persons charged with any duty under this act, the proper blanks, forms and books of record. The State Registrar shall collect, tabulate and preserve the records of the vital statistics of the State. Annually, in the month of January, he shall prepare a general abstract and report of the vital statistics for the preceding year, so tabulated and arranged as to render them of practical utility, and shall have printed not more than one thousand copies, of which he shall forward five copies each to the Governor and the State Librarian, one to each member of the General Assembly of Maryland, one to each local Registrar of Vital Statistics, one to the board of health of each State and Territory of the United States, and the remainder to such departments, libraries and persons as may seem to the State Registrar entitled to the same.

1898, ch. 312.

**6 A.** The health officers of the various counties and the health officers of all towns and cities not already by charter or ordinance provided with a registrar of vital statistics, shall be *ex officio* local registrar of vital statistics, and shall qualify, by oath, to perform faithfully their duties as such.

Ibid.

**6 B.** All physicians shall be sub-registrars of vital statistics, and shall be authorized and required to make all such records and certificates as are made and issued by the local registrar, and shall, in the first five days of each month, send to the local registrar all certificates and records made during the month next preceding.

Ibid.

**6 c.** The record of a birth shall state the date and place of its occurrence, name in full, sex and color, and the number of the child, whether living or still born, and the names, color, occupation, birth place and residence of parents, name and address of the physician, mid-wife or attendant at the birth. The record of a death shall state the date and place of its occurrence, name, age, sex, color, condition, birth place, cause of death, duration of illness; the names, residence and color of parents, and the name and address of the attending physician.

Ibid.

**6 D.** Every local registrar shall distribute to all sub-registrars and other persons in his district, who, in his judgment, are likely to need them, blank forms of certificates and returns required by law to be made to him; shall execute the provisions of all local ordinances not contrary to law, that may be enacted to more effectually insure correct registration of births and deaths; shall record in the books furnished by the State Registrar of Vital Statistics, such facts as may be therein required; shall amend his records as he may discover mistakes or omissions; shall, if possible, keep such records in a fire proof safe; shall, on or before the tenth day of each month, transmit to the State Registrar of Vital Statistics, in the envelopes furnished for that purpose, the originals of all certificates, permits and records remain-

ing in his possession on the last day of the month next proceeding; provided, that the State registrar may, in the event of unusual sickness or mortality or for the purpose of legal or legislative inquiry, require, of any local registrar, returns at shorter intervals.

1898, ch. 312.

**6 E.** In all cases of death where no physician was in attendance, the coroner, undertaker or other person in charge of the interment of such dead body, shall make record, as far as possible, of the facts required in a certificate of death, and shall forward the same to the nearest registrar or sub-registrar, within five days. In all cases of death from small-pox, yellow fever, diphtheria, scarlet fever or other contagious or infectious disease dangerous to public health, the certificates of death shall be forwarded immediately, and interment shall be conducted in accordance with the rules of the State board of health.

*Ibid.*

**6 F.** Application for a permit to disinter a human body shall be made by the presentation to the local registrar of a certificate of death properly made and containing the facts required by law for record of a death. Upon receipt of such certificate the registrar shall issue a permit for the disinterment. No disinterment of the body of any deceased person during the months of July and August shall be issued, except when required for the purpose of a legal investigation; nor shall any such permit be issued in cases where death was caused by infectious or contagious disease except by permission and under the direction of the local board of health.

*Ibid.*

**6 G.** Every mid-wife who shall have professional charge of the mother at the birth of any child where no physician is in attendance, shall within the four days next succeeding the birth, furnish the registrar or sub-registrar of the town or district wherein such birth shall have taken place, a certificate, stating, from the best information which can be obtained, the name, if such a child has a name, the place and date of birth, its sex, the name of the father and the maiden name of the mother, the

ages, color, residence and nationality of the parents, the occupation of the father, number of the child and the name and address of the attendant.

1898, ch. 812.

6 н. Parents shall give notice to the registrar of their city, town or county of the births or deaths of their children; every householder shall give notice of every birth and death happening in his house; the eldest person next of kin shall give such notice of the death of his kindred; the keeper of a work-house, house of correction, prison, hospital, reformatory, almshouse or other institution, and the master or other commanding officer of a ship or vessel shall give notice of every birth or death happening among the people under his charge.

Ibid.

6 i. The records of births and deaths shall be preserved by the registrar, and shall be open to inspection by all persons for proper purposes, by all city, town or county officials, by the State registrar or his accredited representative; provided, that such examination shall be made in such a way that the contents of the registers shall not be subjected to risk of damage or alteration, and the prompt registry of the births and deaths received by the registrar shall not be interrupted. The registrar shall promptly inquire into the facts when any omissions or discrepancies in the personal or statistical facts are called to his attention, shall truly ascertain such missing facts of record, and make a certified statement thereof to the State Registrar, and enter the correction in red ink over his official signature upon his record. The contents of the register of a copy thereof, duly certified by the registrar, shall be *prima facie* evidence in all courts, and for all purposes of the facts relative to any birth or death therein recorded, and shall be verified, in case of dispute, by a certified copy of the original certificate of birth or death from the State registrar.

Ibid.

6 к. The local registrars shall receive for performing the services required by this sub-title of this article the following fees: For a permit to disinter a human body, except when required for

the purposes of legal investigations, twenty-five cents, to be paid by the person to whom such permit issued; for a copy of the record of a birth or death, twenty-five cents together with payment for time of search, if over half an hour, at the rate of fifty cents an hour, to be paid by the person to whom such copy is furnished. The State registrar shall certify to each local registrar quarterly, or oftener, if it shall be considered expedient, the number of properly executed certificates of births and deaths received from such local registrar for the year or portion of year included; provided, that cities having a population of ten thousand inhabitant or over, shall have power to fix the compensation of local registrars for the duties required by this sub-title of this article.

1898, ch. 812.

**6 L.** The State Registrar shall receive the certificates returned under this sub-title of this article, permanently bind and preserve them, make indexes thereto, and issue certified statements of the facts relating to any birth or death. For each such certified statement he shall receive a fee of twenty-five cents, together with a payment for the time of search, if over half an hour, at the rate of fifty cents an hour, to be paid by the person asking such certified statement.

Ibid.

**6 M.** Any physician or mid-wife, coroner or undertaker, whose duty it is, who fails to report a birth as provided by section 6 G of this article, shall be liable to a fine of not less than five nor more than twenty-five dollars, or be imprisoned not less than thirty days, or be both fined and imprisoned, in the discretion of the court. Any undertaker, express agent, railroad official or employe, or other person controlling, directing or in charge of the interment, entombment, removal or other disposition of the body of a deceased person before the record shall be made as required by section 6 C of this article shall be liable to a fine of not less than ten nor more than five hundred dollars, or to be imprisoned not to exceed thirty days, or to both fine and imprisonment. Any physician who shall refuse or fail to make a proper and correct certificate of the cause of death of any person upon whom he or she was the last medical attendant, to the best of his knowledge or belief, shall be liable to a fine of not less

than five nor more than fifty dollars, or to be imprisoned not to exceed thirty days, or to both fine and imprisonment. Any registrar who shall, without justifiable cause, neglect or refuse to perform any of the duties enjoined on him by this sub-title, or who shall communicate to any person not authorized to receive the same, any of the personal or statistical facts recorded on his register, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not exceeding three hundred dollars.

1898, ch. 812.

6N. To defray the necessary expenses of the office of State Registrar of Vital Statistics, including rent, stationery, books of record, printed form of certificates and permits, indexes, postage and clerical expenses, the State board of health shall receive a sum of three thousand dollars annually, or so much thereof as may be necessary, at such times and in such sums as may be directed by the board.

Ibid.

7. Each member of the State board of health shall receive the sum of five dollars per day for each day's attendance at the meetings of the board, and while employed in the service of the board. Such necessary expenses of the board as the comptroller of the treasury shall audit, on presentation of an itemized account, with vouchers, and the certificates of the board shall be paid; provided, that such expenses shall not exceed annually the sum of three thousand dollars which is hereby appropriated from any money in the treasury not otherwise appropriated.

Ibid.

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6.159. 8. Whenever the State board of health shall have cause to believe that there is any danger of cholera, small-pox or other contagious or infectious disease invading this State or country, it shall be the duty of the said board to take such action and adopt and enforce such rules and regulations as may be necessary to prevent the introduction of such infectious or contagious disease within this State, and any person or persons or corporation refusing or neglecting to obey such rules and regulations shall be deemed guilty of a misdemeanor, and upon conviction thereof

shall be fined not less than fifty nor more than five hundred dollars for every such offense. Whenever necessary, the State board of health may call public conferences of health officers, or may by a vote of a majority of its members, send a delegate to any conference of local, State or national health officers.

#### **Infectious Diseases.**

1898, ch. 436.

**34 A.** Whenever any householder knows that a person within his family or house is sick of small-pox, diphtheria, membranous croup, scarlet fever, typhoid fever, typhus fever, measles, mumps, whooping cough or any other infectious or contagious disease dangerous to public health, he shall immediately give notice thereof to the board of health of the city, town or county in which he dwells; and upon the death, recovery or removal of such person or persons, such of the rooms of said house and such of the articles therein, as in the opinion of the local board of health have been subjected to infection or contagion, shall be disinfected by said board of health, and a written statement of the fact of such disinfection shall be given to such householder. Any person neglecting or refusing to comply with any of the provisions of this section shall be punished by a fine not exceeding one hundred dollars.

Ibid.

**34 B.** Whenever any physician knows that any person whom he is called to visit is infected with small-pox, diphtheria, membranous croup, scarlet fever, typhoid fever, typhus fever, yellow fever, measles, whooping cough or any other contagious or infectious disease dangerous to public health, he shall immediately give notice thereof in writing over his own signature, to the board of health of the city, town or county in which such disease exists; and if he refuses or neglects to give such notice he shall be fined not less than fifty nor more than two hundred dollars.

Ibid.

**34 c.** The boards of health in the several cities, towns and counties shall cause a record to be kept of all reports received in pursuance of sections 34 A and 34 B, and such record shall contain the names of all persons who are sick with infectious or conta-

gious diseases, the localities in which they live, the disease with which they are affected, together with the date and the names of the persons reporting any such cases, and the record of quarantine, isolation, disinfection and other preventive measures. The board of health shall give the school boards of their respective counties, cities or towns immediate information of all cases of infectious or contagious disease reported to them, according to the provision of this sub-title.

1898, ch. 436.

**34 D.** When any board of health has had notice of the occurrence within its sanitary jurisdiction of a case of small-pox, or any other contagious or infectious disease dangerous to public health, such board of health shall, within twenty-four hours after the receipt of such notice, notify the State board of health of the same.

Ibid.

**34 E.** All questions of doubt concerning the cause or nature of any sickness believed or suspected to be of an infectious or contagious character, shall be referred to the State board of health; and the said board shall be authorized to employ a competent bacteriologist to conduct inquiries in the nature, source and vehicles of infectious disease. The services of the bacteriologist of the State board of health shall be free to all local boards of health and to all practising physicians in the State, for such inquiries concerning infectious and contagious diseases as the said board may from time to time direct, and to the State vaccine agent for testing vaccine virus; and the sum of twenty-five hundred dollars annually, or so much thereof as may be necessary, shall be paid by the treasurer of the State upon the warrant of the comptroller at such times and in such sums as may be authorized by the State board of health upon presentation of the proper vouchers for expenses.

Ibid.

**34 F.** Every person not a legally qualified physician, practising as mid-wife or acting as attendant upon woman in child-bed in this State, who shall find any lying-in-woman to have fever, shall forthwith notify the health officer of the district, and shall refrain

from attendance upon any other parturient woman, or woman in child bed, until the local health officer shall give her written permission to resume such practice. Every mid-wife, obstetrical nurse or other person, not a legally qualified physician, attending for pay or hire, upon any lying-in-woman, or woman in child-bed, shall send his or her name and address to be registered in the office of the registrar of vital statistics for the city, town or county in which he or she resides. And every person violating the provisions of this section shall be guilty of a misdemeanor, and shall, upon conviction, be fined not exceeding one hundred dollars or imprisoned not exceeding six months, or be both fined and imprisoned in the discretion of the court.

*34b. H. I. J. & K added 1904 ch 412.*  
1890, ch. 622.

**34g.** Whenever any physician or person acting as a physician shall know or shall have cause to believe that any person whom he has attended during the last illness of such person in this State, outside the limits of the city of Baltimore, has died of small-pox, cholera, yellow fever, typhoid or typhus fever, diphtheria, leprosy, or any other disease of a contagious, infectious or epidemic character, the said physician or person acting as a physician shall, over his own signature, immediately give notice thereof to the secretary of the State board of health, which notice shall state the cause of the death, the name, age, sex and color of the deceased, and such other information in connection with the existence and spread of the disease, as may be deemed important for the protection of the public health; and if no physician has been in attendance during the last illness, or at the time of the death of such person, then it shall be the duty of the householder, in whose house or upon whose premises the death occurred, to transmit to the secretary of the State board of health the facts in accordance with the requirements of this section.

Ibid.

**34h.** Whenever any hotel-keeper, keeper of a boarding or lodging-house, superintendent, manager or director of a private or public institution of any kind, shall know, or be informed by a physician, or shall have reason to believe that any guest, inmate or other person in the hotel, boarding-house, lodging-house or

institution over which he or she may have control or supervision, or on the premises thereof, is sick with or convalescing from small-pox, cholera, yellow fever, typhus or typhoid fever, scarlet fever, leprosy or any other contagious, or infectious disease, the said owner, proprietor, manager or other person having charge, shall immediately give notice thereof in writing to the health officer of the city or town in which the infected house or premises is located, or to the secretary of the State board of health, if there is no local health officer who can efficiently deal with the case; said notice shall state the name and place of residence of the person sick, the name of the disease, the name of the owner, proprietor or manager of the house, and the locality of said house; and it shall be the duty of the local or State health officer, as the case may be, to take such steps and do such things as may be necessary to render effective the provisions of sections 15 to 24, both inclusive.

1890, ch. 622.

**34 i.** Any person or persons who shall neglect or refuse to comply with the provisions of the two foregoing sections shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof in a court of competent jurisdiction, be fined not more than fifty dollars for every such offense.

Ibid.

**34 k.** In any town, village or other place in this State, where no special health department has been established or constituted by the charter or other act of incorporation of any such town or village, or in case the sanitary law or regulations in places where boards of health or health officers exist, should be inoperative, the State board of health shall make such regulations respecting nuisances, sources of filth and causes of sickness as they shall judge necessary for the public health and safety.

Ibid.

**34 l.** The said board of health shall also make such regulations as they may deem necessary for the public health and safety, respecting any articles which are capable of containing or conveying any infection or contagion, or creating any sickness, or for the disinfecting of any house, room or premises where con-

tagious or infectious disease has existed; and any person who shall sustain damages by reason thereof, shall receive compensation in accordance with the provisions of section 16 of this article; if any person shall violate or refuse, or neglect to comply with any such regulation, he shall forfeit a sum not exceeding fifty dollars.

1890, ch. 622.

**34 M.** In any town or village where no special health department has been established, the State board of health is hereby empowered to make such rules and regulations in relation to the care and cleansing of privies, pig-pens and other noxious places, as they may deem desirable for the preservation of the health of any of the inhabitants thereof, or the said board may declare any such privy, pig-pen or other noxious place a nuisance, and the abatement thereof be by the said board, or its executive officer, ordered and enforced.

Ibid.

**34 N.** Any violation, or neglect or refusal to comply with any rule or regulation of the said board under sections 34 G to 34 M, both inclusive, shall be deemed to be a misdemeanor, and shall be punished by a fine not exceeding fifty dollars, or imprisonment in the county jail not exceeding thirty days, or both such fine and imprisonment in the discretion of the court.

Ibid.

**34 O.** Upon complaint made in writing by the State board of health, or its executive officer, before any justice of the peace, charging the commission of an offense against the provisions of said sections 34 G to 34 M, both inclusive, it shall be the duty of the State's attorney of the county or town, in which such offense is committed, to prosecute the offender.

#### Practitioners of Medicine.

1892, ch. 296.

284.  
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612 **39.** Every person not now practising medicine and surgery, who shall hereafter begin to practise medicine and surgery in any of its departments, except dentistry, in the State of Maryland, shall possess the qualifications required by this sub-title of this article.

1892, ch. 296.

40. From and after the first Tuesday in June eighteen hundred and ninety-two, there shall be and continue to be two separate boards of medical examiners for the State of Maryland, one representing medical and chirurgical faculty of the State of Maryland, and one representing the Maryland State Homeopathic Medical Society of the State of Maryland. Each board shall consist of seven members, and each of said members shall serve for a term of four years, or until their successors are appointed and qualified, each board to have exclusive right to examine, pass upon the qualifications of, and license its own applicants, said members of the first or old school board to be appointed by the medical and chirurgical faculty of Maryland, of which two shall be from the counties of the eastern shore, and five from the western shore of which latter members two shall be from the counties west of the Blue Ridge mountains; and said second or homeopathic board to be composed of seven physicians appointed by the Maryland State Homeopathic Medical Society, of which, three shall be resident of Baltimore, and four of the State at large; the appointees shall be physicians actually engaged in the practise of medicine, and of recognized ability and honor; the term of office of each board shall commence on the first Tuesday in June, eighteen hundred and ninety-two. No member of any college or university, and no physician, having a pecuniary interest in the trade of pharmacy, shall be appointed to serve as a member of either of said boards; vacancies occurring in such for unexpired terms shall be filled by the board, in accordance with the foregoing provisions of this section, and for expired term in same manner as for first appointees.

40 A. 1902 Ch. 612

1902  
ch. 6

Ibid.

41. Each board of medical examiners shall meet within thirty days after receiving official notice of their appointment. At the first meeting of each of the boards respectively, an organization shall be effected by the election, from their own membership, of a president and secretary, for the purpose of examining applicants for license; each of said boards of medical examiners shall hold one or more stated or special meetings in each year, due notice of which shall be made public, at such

1902  
ch. 6

times and places as may be determined by the members thereof respectively; at said stated or special meetings a majority of the members of the board shall constitute a quorum thereof. Each of said boards of medical examiners shall keep an official register of all applicants for examination for a license to practice medicine and surgery in this State, said register for license shall show the name, age, and last place of residence of each candidate, the school from which he or she may have graduated, and whether such applicant was rejected or licensed under this subtitle, but such matters shall not be written in said register or made public until after the examination.

1892, ch. 296.

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**42.** At the first meeting of an examining board, or at a stated or special meeting held subsequently, suitable provisions shall be made by each of the examining boards to prepare a schedule of written examination upon anatomy, physiology, chemistry, surgery, practice of medicine, *materia medica* and therapeutics, obstetrics, gynecology, pathology, medical jurisprudence and hygiene, and shall require the same standard of excellence from all candidates. In the department of therapeutics and practice the questions shall be in harmony with the tenets of the school selected by the candidate; the standard of acquirements therein to be established by each board for itself. Whenever members of any board are necessarily absent from meetings held for the examination of applicants for license, suitable temporary provision shall be made for thorough examination in each and all of the aforesaid subjects by the members present. The examination shall be fundamental in character and such as can be answered in common by all schools of practice. The votes of all the examiners present shall be "yes" or "no," written with their signature upon the backs of the examination papers of each candidate for the respective branches.

Ibid.

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**43.** All persons commencing the practice of medicine or surgery in any of its branches after the passage of this act by the General Assembly shall make a written application for license to the president of either board of medical examiners which said applicant may elect, together with satis-

factory proof that the applicant is more than twenty-one years of age, is of good moral character, has obtained a competent common school education, and has either received a diploma conferring the degree of doctor of medicine from some legally incorporated medical college in the United States, or a diploma or license conferring the full right to practise all the branches of medicine and surgery in some foreign country and has also both studied medicine three years and attended three courses of lectures in different years in some legally incorporated medical college or colleges prior to the granting of said diploma or foreign license; provided, that two courses of medical lectures both of which shall be either begun or completed within the same calendar year, shall not satisfy the above requirement; provided, that this condition shall not apply to students who shall be in their second year in a medical college, nor physicians who shall be practising medicine on the first day of April, 1892. Such proof shall be made, if required, upon affidavit, upon the making of said application and proof and payment of fee as provided; the president of the board to whom such application was made, if satisfied with the same, shall direct the secretary thereof to issue to said applicant an order for examination, and when said applicant shall have passed an examination as to proficiency satisfactory to said board, the president shall grant to such applicant a license to practise medicine and surgery in the State of Maryland.

43 A. 1902 ch 612.

1892, ch. 296.

44. All examinations shall be conducted in such manner, that the name, school of graduation and preparatory training of said applicant shall not be made known to the board of examiners until his examination papers have been graded. An applicant receiving a majority of the votes of the board before whom the applicant appears shall be considered to have passed a satisfactory examination and entitled to the license of said board.

1901  
ch 61

Ibid.

45. A fee of ten dollars shall be paid to the secretary of the board before whom the applicant appears, before such examination is had, which said fee shall be applied by said board towards paying the expenses of said board.

1901  
ch 61

1892, ch. 296.

902 46. The board shall refuse to grant a license to any applicant  
612 who may be radically deficient in his examination in any essen-  
tial branch ; provided, that in case of failure at any such exami-  
nation, the candidate, after the expiration of one year from his  
rejection, shall have the privileges of another examination by the  
board to which application was first made.

1892, ch. 296. 1894, ch. 217.

47. Every license to practise medicine and surgery, issued  
pursuant to the provisions of this sub-title, shall be subscribed  
by the president and secretary of the board before whom  
the applicant has passed ; it shall also have affixed to it by the  
person authorized to affix the same, the seal of said Medical and  
and Chirurgical Faculty of Maryland, or of the Maryland State  
Homeopathic Medical Society, as the license may require, every  
such license to be in the following form and to the following  
effect :

To all whom it may concern, greeting :

Be it known, that —, on the — day of —, A. D.,  
having offered us satisfactory proof that — was more than  
twenty-one years of age, and had received a proper preliminary  
education ; we therefore give a written order for the examination  
of said — before one of the boards of medical examiners of  
the State of Maryland ; that the said — was fully examined  
before our said board and found proficient and qualified to prac-  
tice medicine and surgery, we, therefore, have granted to said  
— this our license to practise medicine and surgery in the  
State of Maryland as a physician and surgeon, and have caused  
the names of the president and secretary of our board to be sub-  
scribed and the seal of our society affixed hereto.

Witness our hands and the seal of our said society, this —  
day of —, A. D. —, president ; —, secretary.

[Seal of Society.]

1892, ch. 296.

902 48. Any person receiving a license from either of—said  
612 boards shall file the same, or a certified copy thereof with the  
704 clerk of the circuit court of the county or city in which he or  
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she may practise, and it shall be the duty of said clerk to register the name of such person, and the president of the board signing the same in a book kept for the purpose, as a part of the records of his office; and the number of the book and the page therein containing said recorded copy shall be noted in the body of the license. Said records shall be open to public inspection, under proper restrictions as to their safe-keeping, and in all legal proceedings shall have the same weight as evidence that is given to the record of the conveyances of land; the fee for each registration shall be one dollar, to be paid by the person whose license is registered.

1892, ch. 296.

49. This sub-title shall not apply to commissioned surgeons of the United States Army, Navy or Marine Hospital service, to physicians or surgeons in actual consultation from other States, or to persons temporarily practising under the supervision of an actual medical preceptor. *Revised 1902 ch. 6.*

Ibid.

50. Any person to whom the provisions of this sub-title applies, practising or attempting to practise medicine or surgery in this State, without first having obtained the license of one of said boards of medical examiners, shall be guilty of a misdemeanor, and shall pay a fine of not less than fifty dollars, nor more than two hundred dollars for each offense, or in default of payment shall be confined in the city or county jail until the fines and costs are paid, and shall be debarred from recovering compensation for services rendered as such physician or surgeon.

Ibid.

51. The provisions of this sub-title shall not apply to any midwife or person who may render gratuitous services in case of emergency. *Revised 1902 ch. 6.*

Ibid.

52. Said board shall make a written report to the Medical and Chirurgical Faculty of Maryland and to the Maryland State Homeopathic Medical Society every two years. *190 ch. 6.*

1894, ch. 217.

**53.** From and after the first day of July, 1894, no person shall practise medicine or surgery in the State of Maryland, unless he or she shall be duly registered as a physician or surgeon, in accordance with the provisions of this sub-title of this article.

1894, ch. 217. 1896, ch. 194.

**54.** Every person who was practising medicine in the State of Maryland, on or before the first day of June, 1892, shall be entitled to be registered as a physician or surgeon or both, upon making application to the president of either board of State medical' examiners, which application shall be in writing, and verified by the oath of said applicant, taken before any officer entitled to administer oaths under the law of this State, and shall state that the applicant was a duly qualified lawful practitioner of medicine, in good standing, actually engaged in the practice of such profession in said State, on or before said first day of June, 1892. And upon receiving said application, and being satisfied of the truth of said statement therein contained, said president of such board, shall issue or endorse his permit for such applicant to be registered, upon a copy of such application, which permit shall also be countersigned by the secretary of said board; and any president of such board, to whom such application is addressed, may in his discretion make inquiry, and examine witnesses under oath, or receive other evidence as to the truth of the statements contained in such application, for a permit to be registered; and if the president of either of such boards of medical examiners, shall act upon such application, and shall refuse the same, then no president of the other of said boards shall entertain or act upon any application of such applicant for such permit. And upon the presentation of a permit to be registered, signed by the president, and countersigned by the secretary of either of said boards of medical examiners, to the clerk of the county, where such applicant may reside, or to the clerk of the circuit court of Baltimore city, if said applicant shall reside in Baltimore city, it shall be the duty of the said clerk to register such application and permit, and the name of such applicant as physician or surgeon, or both, in a book to be kept for such purpose, and a certified copy of such entry of regis-

tration under the seal of the court, shall be legal evidence of such registration in all the courts of the State; provided, however, that the provisions of this sub-title shall not apply to those practising medicine in the State of Maryland prior to June, 1892, and who registered as practitioners of medicine prior to July, 1894.

1894, ch. 217.

**55.** All persons who have commenced to practise medicine or surgery in the State of Maryland since the first day of June, 1892, or who shall hereafter commence to practise medicine or surgery in this State, shall not be entitled to be registered in the registry of physicians and surgeons, as required by law, except upon filing with the clerk of the circuit court of the county or city in which he or she shall reside, a license from one of the duly constituted boards of medical examiners of this State, in accordance with the terms of sections 47 and 48 of this article, except that physicians and surgeons who have come into this State since said first day of June, 1892, or who shall hereafter come into this State to follow the practice of medicine and surgery, may receive a license, which shall entitle them to be registered as physicians and surgeons, in accordance with law, upon application to one of the duly constituted boards of medical examiners, in accordance with the provisions of section 56 of this sub-title.

*55A, 1902 ch. 69 (Killing unfit-animals)*

1894, ch. 217. 1896, ch. 194.

**56.** Physicians and surgeons of good moral and professional standing who shall hereafter come into this State with intent to follow the practice of "medicine and surgery" within this State, being graduates of a medical college or university of good standing, or having a certificate or license from a board of medical examiners of any State where the requirements for practice are equal to those required by the board named in this article, may make application to the president of either board of medical examiners of this State, which application shall be made under oath, and shall state when and how long such applicant has been engaged in the practice of medicine and surgery, and from what medical college, university or other institution of learning he or she has graduated. And thereupon, the board of medical ex-

aminers shall have the authority and discretion to require applicants to undergo an examination, in accordance with provisions of sections 41 to 47, inclusive, of this article, or may require said applicant to submit to a special examination, the terms and methods of which shall be prescribed by the board of medical examiners, and upon paying the fee for examination, as set out in section 45 of this article. After the examination and determination of said board, thereupon, that said applicant is qualified to practise medicine and surgery and that he is entitled to a license, a license shall be issued to him to the same effect as the form of license set out in section 47 of this article, which license shall be filed and recorded as provided by section 47 of this article; and it shall then be the duty of the clerk of the court to register the name of the person so licensed as physician or surgeon, or both, in accordance with the provisions of this sub-title.

1894, ch. 217.

**57.** All persons whose licenses have been heretofore filed and recorded in accordance with section 48 of this article, shall be held to be duly registered physicians and surgeons within the provisions of section 53 of this article, and all persons who shall hereafter receive and file licenses, to be recorded in accordance with said section 48, shall be registered as physicians and surgeons under said section, and the fee to be paid for such registration, and for the registration of the application to the clerk, or the license therewith, as the case may require, shall be one dollar.

Ibid.

**58.** If any person shall unlawfully obtain and procure himself to be registered as physician or surgeon, either by false and untrue statement contained in his application to the clerk of the court, as required by this article, or by presenting to said clerk a false or untrue license, or one fraudulently obtained by false and fraudulent statements made to one of said boards of medical examiners, he or she shall be deemed guilty of a misdemeanor, and shall be fined not less than fifty dollars nor more than five hundred dollars, and shall forfeit all rights and immunities obtained or conferred upon him by virtue of such registration as physician or surgeon.

1894, ch. 217.

**59.** Any person who, after the first day of July, 1894, shall practise or attempt to practise medicine or surgery in this State, without being registered in accordance with the provisions of this sub-title, shall be guilty of a misdemeanor, and shall be fined not less than ten dollars nor more than two hundred dollars for each offense.

1896, ch. 194.

**60.** Any citizen of Maryland having information which causes him to believe that any person has been heretofore wrongfully and improperly registered as physician or surgeon, or both, upon his application to the clerk of any court may apply, by petition, to the circuit court of the county wherein such registration was made, or to the city court of Baltimore city, if such registration was in Baltimore city, which petition shall be under oath, and shall state that the petitioner is informed and believes that the person named therein has been heretofore improperly and wrongfully registered as physician or surgeon, or both, upon his own application and affidavit upon the register of physicians or book kept for such purpose in any court of this State, for the reason (as said petitioner is empowered) that such person was not lawfully practising medicine in the State of Maryland, as a duly qualified practitioner of medicine in said State, entitled to be registered as a physician or surgeon upon his own application to the clerk of said court; and that said petitioner prays that the name of such person shall be struck from the registry of physicians aforesaid. Upon the filing of such petition the court or one of the judges thereof shall pass an order requiring the person therein alleged to be wrongfully or improperly registered to answer the same, under oath, on or before a date to be named within thirty days from the date of such order, and to show cause, if any there be, why the prayer of such petition should not be granted, which order shall be served upon said last-named person; and if said petition shall not be answered within the time named, as aforesaid, or if the answer thereto shall be adjudged insufficient by the court, then the court shall pass an order directing that the name of such person alleged to be wrongfully or improperly registered shall be stricken from the registry of physicians or surgeons where the same shall have been registered; but

if said petition shall be answered by the defendant, being the person against whom it is exhibited by an answer under oath, fairly and fully denying the allegations of said petition, the issues thus raised shall be heard and determined by the court, and either party may be entitled to a jury trial before a jury of the regular panel empaneled to try common law cases in said court; and the defendant shall be competent and compellable to testify at such hearing, and upon such hearing the court shall render judgment with costs against the unsuccessful party. And if it shall determine that said defendant was not practising medicine in the State of Maryland on or before the date of June 1st, 1892, not being a lawful practitioner of medicine in said State, on or before said date, it shall pass an order directing the name of said defendant to be stricken from the registry of physicians or surgeons, or both, which order shall be certified by the clerk of the court wherein said defendant was registered, and he shall thereupon strike his name from said registry. But the decision upon such petition shall have no force and effect in any criminal prosecution under this article.

1896, ch. 194.

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61. The term, "Practising Medicine or a Practitioner of Medicine," when used with respect to the qualifications of a practitioner or applicant to be registered under this article, shall be construed to mean the "practice of medicine" as a profession or means of livelihood, and by one duly licensed or registered. If a license or register by law at the time when such practise is alleged or claimed, or by one otherwise duly qualified to practise medicine, if other qualifications were required by law at such date.

61A. added 1902 Ch. 12.

Ibid.

added  
Ch. 12  
62. It shall be the duty of the secretary of either or both of said State boards of medical examiners to inquire into all violations of law under this article, and to institute all proceedings or prosecutions thereof, and all expenses incurred by any secretary of either of such boards hereunder, shall be allowed and paid out of the funds acquired by or belonging to said boards respectively.

1896, ch. 194.

**63.** The said board of medical examiners shall have full control over the expenditures and disposition of the funds collected from the fees and charges authorized to be made under the terms of this article; and shall fix and allow such compensation as they may deem proper for service rendered in the performance of the duties required by this article by members of said board or others, with the full power also to allow and discharge all proper expenses of said board, and any surplus, to dispose of as said board may deem for the advantage of the practice of medicine in this State.

*C 4 + 65 - amend 1902 Ch. 612.*

**State Veterinary Medical Board.**

1894, ch. 273.

**64.** A commission is hereby established to be known under the name and style of the "State Veterinary Medical Board," to consist of five commissioners, who shall be members in good standing of some school of veterinary medicine, who shall be appointed by the Governor every four years, and who shall hold their office until their successors are duly appointed and qualified, with power in and to said board to adopt by-laws and regulations, such as they may deem advisable to carry into effect the provisions of this sub-title; provided, the said by-laws shall not conflict with the constitution or laws of this State or of the United States.

*Ibid.*

**65.** It shall be unlawful for any person or persons to practise veterinary medicine or surgery in the State of Maryland, without having previously obtained a diploma from a college duly authorized to grant such to students of veterinary medicine and surgery, or to those who have passed satisfactory examinations before the State veterinary medical board, or as herein provided for.

*Ibid.*

**66.** The said State veterinary medical board shall hold their meetings at such times and places as they may deem best, which times and places shall be set out fully and regularly in their by-laws.

1894, ch. 278.

**67.** The State veterinary medical board shall examine all diplomas as to their genuineness, and each applicant not holding a diploma shall submit to a theoretical and practical examination before the State veterinary medical board, said examination to be written, oral or both, which examination, if passed to the satisfaction of the said board, shall entitle the applicant to practise veterinary medicine and surgery, subject to provisions and regulations of this sub-title and regulations of the said board.

Ibid.

**68.** All examinations of persons not graduates shall be made directly by the State veterinary medical board, and the certificates given by the said board shall authorize the possessors to practise veterinary medicine and surgery in the State of Maryland. All examinations of ungraduated practitioners must take place before the thirty-first day of December, eighteen hundred and ninety-four. After that date no certificate shall be granted, except to persons presenting diplomas from legally chartered colleges.

Ibid.

**69.** Any person shall be regarded as practising veterinary medicine and surgery, within the meaning of this sub-title, who shall have received a license as mentioned in section 67; but nothing in this sub-title shall be construed to prohibit members of the medical profession from prescribing for domestic animals in case of emergency and collecting a fee therefor, nor to prohibit gratuitous services in an emergency, nor to prevent any person from practising veterinary medicine and surgery on any animal belonging to himself or herself. And this sub-title of this article shall not apply to commissioned veterinary surgeons in the United States army.

Ibid.

**70.** It shall be the duty of such board to keep a register of all practitioners qualified under this sub-title practising veterinary medicine and surgery or any branches thereof in this State, and to cause the same to be published at least once a year in two newspapers published in the city of Baltimore.

1894, ch. 273.

**71.** The said board shall within six months from the date hereof, prepare said register, in which the names of all graduate practitioners in the State at the time and in actual practice shall, on application to the said board, be inserted without examination and shall also on application insert the names of such persons who are practitioners in actual practice without a diploma or certificate or qualification from a recognized school, who have been in practice for five years and upwards, prior to the enactment of this sub-title, upon proof to the said board that they have been so practising; that all persons practising at this time and not having been so practising for five years antecedent to such enactment, shall undergo an examination before the said board, and if found by said board competent to practise, the persons so examined and approved shall be entitled to registration.

Ibid

**72.** The said board shall have power to reject any applicant for registration whose examination papers or diploma are not satisfactory.

Ibid.

**73.** No person shall be permitted to practise veterinary medicine or surgery or any branch thereof in the State of Maryland, who does not possess a diploma issued from a college or school of veterinary medicine, duly incorporated and legally licensed to issue diplomas; and if said diplomas shall be issued after the first day of January, 1895, it shall be received only from a college or school of veterinary medicine, which shall require a three years' course of study before issuing said diploma, and shall have passed such examination or test as may be from time to time instituted as a test of qualification by such board, and persons producing such certificates or diplomas who pass such test examination shall, on payment of such fees as hereinafter are provided for, be registered as veterinary practitioners.

Ibid.

**74.** No moneys shall be paid out of the State treasury for the use or purposes of this sub-title.

1894, ch. 273.

**75.** Any person not registered who shall practise veterinary medicine or surgery, or any branch thereof within the State of Maryland, shall be deemed guilty of a misdemeanor, and shall be fined in the sum of not less than one hundred nor more than five hundred dollars for each offense, or imprisonment in the house of correction for any term not less than three months, nor more than twelve months, for each and every offense.

Ibid.

**76.** The said board shall be the prosecutor in all cases under this sub-title, and such fine and imprisonment may be imposed by any justice of the peace of the city of Baltimore or any county where such offense may be committed.

Ibid.

**77.** One moiety of the fine imposed under this sub title shall be paid to the informer, and the other moiety shall be paid into the county treasury wherein the offense shall have been committed.

Ibid.

**78.** In any part of any election district of any county in the State where it may not, in the judgment of the owner of the animal, be advisable to secure the services of a duly authorized veterinary surgeon, then the person desiring to obtain advice as to the physical condition of any animal or animals belonging to him, may procure the services of any person that he may desire, to give such advice or to perform any services for the relief of his animal or animals that may be necessary.

#### **Adulteration of Food and Drink.**

1890, ch. 604.

**79.** No person shall mix, color, stain or otherwise sophisticate any article of food or drink with any other ingredient or material for the purpose of gain or profit, nor shall sell or offer for sale or order or permit any employe or other person to sell or offer for sale any article so mixed, colored, stained or otherwise sophisticated, unless the same be so manufactured, used or sold, or offered for sale under its true and appropriate name, and unless

a notice that the same is mixed or impure is marked, printed or stamped upon each package, roll, parcel or vessel containing the same, so as to be and remain at all times readily visible, or unless the person purchasing the same is fully informed by the seller of the true name and ingredients (if other than such as are known by the common name thereof,) of such article of food or drink at the time of making sale thereof or offering to sell the same.

1890, ch. 604.

**80.** No person shall mix any glucose, grape sugar or other article of adulteration with any syrup, honey or sugar intended for human food, or any oleomargarine, suine, beef fat, lard or any other foreign substance with any butter, cheese intended for human food, nor mix or mingle any glucose, grape sugar, oleomargarine or other adulterant with any article of food or dietetics without distinctly marking, stamping or labeling the article or the package containing the same, with the true and appropriate name of such adulterant, and the percentage in which it is used for the purpose of adulteration, or enters into the composition of the article so adulterated; nor shall any person sell, offer for sale, or permit to be sold or offered for sale any article of food or drink or dietetics into the composition of which any adulterant has entered, without at the same time informing the buyer of the fact and the proportion in which such adulterant has been used; provided, that nothing in this section shall be construed to prevent the use of glucose or grape sugar in the manufacture of candy.

Ibid.

**81.** No person shall adulterate or sophisticate any wine, vinegar, spirituous or malt liquors used or intended for drink or dietetic purposes by mixing the same in the manufacture or preparation thereof or otherwise, with any deleterious drug, substance or liquid which is poisonous or injurious to health; and no person shall use or offer for sale or import into this State for sale, any wine, vinegar, spirituous or malt liquor intended to be used for drink or dietetic purposes knowing the same to be adulterated or in any way sophisticated.

*81A. added 1903 ch. 606 (adulterations of beer &c)*

Ibid.

**82.** If any person shall fraudulently adulterate for the purpose of sale, or shall sell or offer for sale any substance intended

for the food of man, or any wine, vinegar, spirits, malt liquors, or other liquor intended for food or dietetic purposes, knowing the same to be adulterated or in any way sophisticated, he shall be punished by imprisonment in the county jail not longer than one year, or by fine not exceeding five hundred dollars, and the article so adulterated shall be forfeited and destroyed or so disposed of as to prevent it from being exposed for sale or used for the food of man.

1890, ch. 604.

**83.** If any person shall sell or offer for sale any kind of diseased, corrupted or unwholesome provisions such as poultry, game, flesh, or preparations of flesh, fruits, vegetables, bread, flour, meal, milk or other things intended to be used for human food, he shall be punished by imprisonment in the county jail not more than one year, or be fined not exceeding five hundred dollars, or be both fined and imprisoned in the discretion of the court having jurisdiction, and the unwholesome provisions offered or exposed for sale shall be forfeited and destroyed or so disposed of as to prevent their being used for food; provided, that nothing in this section shall apply to the shippers or consigners of green fruits or vegetables that may be spoiled in transitu.

Ibid.

**84.** The State board of health shall be charged with the duty of rendering effective the provisions of this sub-title, and shall take such steps and to do such things as the board may deem necessary, to detect and publicly expose any adulteration or corruption of all articles sold or liquid intended or offered for sale as food or drink; and shall, when deemed necessary, have the suspected article subjected to chemical or other scientific examination in order to establish more clearly the fact and degree of adulteration.

Ibid.

**85.** Whenever the said board of health, or its proper officer, shall be satisfied that any article of food, condiment or drink has been adulterated, or is otherwise unsound or unwholesome, the said board, or its proper officer, shall forbid the sale or disposal of such article for human food and order it to be destroyed

or disposed of so as to prevent it from being exposed for sale or used for the food of man; and the person or persons to whom the same belongs, or did belong at the time of exposure for sale, or in whose possession, or on whose premises the same was found, refusing or neglecting to destroy or otherwise dispose of such unsound or unwholesome article as directed, shall be liable to the penalty imposed under the provisions of section 83.

1890, ch. 604.

**86.** The said State board of health, or its proper officer, or any inspector or inspectors appointed by said board, are empowered at all reasonable times to inspect and examine any live animal, carcass, meat, poultry, game, flesh, fish, fruits, vegetables, bread, milk, wine, spirits, malt or other liquors or things exposed for sale, or deposited in any place for the purpose of sale, or of preparation for sale and intended for the food of man, the proof that the same was not exposed or deposited for any such purpose, or was not intended for the food of man, resting with the party charged; and if such animal, carcass, meat, poultry, game, flesh, fish, fruits, vegetables, bread, milk or other things appear to the said board, or its proper officer, or inspector, to be diseased or unsound or unwholesome and unfit for the food of man, the said board, or its proper officer, shall issue an order preventing the sale of such article or articles for human food, and any person neglecting or refusing to obey such an order shall be deemed guilty of a misdemeanor, and shall be punished by fine in any sum not less than fifty dollars, and in default of the payment thereof, by imprisonment in the public jail not more than six months.

Ibid.

**87.** It is hereby made the duty of the prosecuting attorneys of this State to appear for the people and to attend to the prosecution of all complaints under this sub-title in all the courts of their respective counties or the city of Baltimore as the case may be.

Ibid.

**88.** The sum of twenty-five hundred dollars or so much thereof as may be necessary, is hereby annually appropriated for

defraying the expenses of chemical and scientific examination of suspected articles of food or drink, for salary of inspectors and other necessary expenses, to be paid by the treasurer of the State on the warrant of the comptroller, at such times and in such sums as the board may direct.

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## ARTICLE XLIV.

### HOSPITAL—MARYLAND.

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| 11. Provision for accommodation of 400 pauper lunatics, in said hospital. Amount to be paid by each county for the care of its insane paupers; how ascertained, etc. Authority of board of managers of said hospital to enforce these provisions. | <b>Second Hospital for the Insane.</b><br>16. Board of managers; term of office and powers of such board.<br>17. Terms of office; vacancies.<br>18. Appropriation for said hospital.<br>19. Board of managers to purchase land.<br>20. Commitments to said hospital.<br>21. Additional appropriation.<br>22. Report of said board. |
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1894, ch. 450.

11. They shall provide accommodation for at least four hundred pauper lunatics of this State, who may be sent to the said hospital for curative treatment; which number shall be from time to time apportioned by them among the several counties and the city of Baltimore, according to the population as ascertained by the preceding census. The sum of money to be paid by the several counties, respectively, for the support and care of their insane paupers, shall be annually estimated and determined by the board of managers of said hospital, who shall report to the county commissioners of each county the amount so due by it, not later than the tenth day of January in each year, and such estimate shall be upon the basis of the number of patients in said hospital from said county of the first day of each year, at the rate of one hundred and fifty dollars per capita per

annum; and the money so ascertained to be due by each county, the county commissioners of said county are hereby authorized and required to levy annually upon the assessable property of said county, to be collected in the same manner as other taxes now or shall hereafter be collected; and the treasurer of said county, and if there be no treasurer, the county commissioners of said county, is and are hereby authorized and directed to pay said sum of money to the comptroller of the State in two equal instalments, one-half on the thirty-first day of December, and the other half on the thirtieth day of September in each year; and said comptroller shall, immediately upon the receipt of any of said instalments, pay over the same to the board of managers of said hospital. The money required from the several counties for the support of their insane paupers in said hospital for the year eighteen hundred and ninety-four, and all arrearages due by them on said accounts to January 1, 1894, shall be estimated and determined by the managers of said hospital in like manner, and said estimate sent to the county commissioners of each county not later than the fifteenth day of April in said year; and the county commissioners of each county shall levy upon its assessable property in said year the amount of money so ascertained to be due by their counties, respectively; and the treasurer of said county, and if there be no treasurer, the county commissioners of said county, shall pay one-half of the same to the comptroller on the first day of October, and the other half on the thirty-first day of December in said year, out of the first moneys coming into their hands from the levy of said year; and said comptroller, immediately on receipt of any instalments, shall pay over the same to said board of managers. The expenses of any patients in said hospital from any county in excess of its quota, as herein provided, shall be ascertained, levied and paid for in like manner, as provided for its quota. The board of managers of said hospital are hereby empowered and authorized to enforce the provisions of this section by writs of mandamus, or to collect the moneys so ascertained by them to be due and payable, in any other way authorized by law, and may bring suit upon the bond of the treasurer of any county, and if there be no treasurer, may bring suit against the county commissioners of said county, in case the moneys so due by said county shall have been paid

to said treasurer or county commissioners, and he or they, as the case may be, shall not have forwarded it to the comptroller as required herein.

**Second Hospital for the Insane.**

1894, ch. 281.

**16.** There shall be established in this State, accessible by railroad or water transportation, an institution to be called the "Second Hospital for the Insane of the State of Maryland," which shall be under the control of the board of managers hereinafter provided for. The said board of managers shall consist of the Governor, for the time being, ex officio, State treasurer, comptroller of the treasury and six other persons, who shall be appointed by the Governor, as follows: Two to serve for the term of six years, two to serve for the term of four years and two to serve for the term of two years each, from the first day of May, eighteen hundred and ninety-four; and the board so created shall constitute a body corporate under the title of the "Board of Managers of the Second Hospital for the Insane of the State of Maryland," and shall have power to make such by-laws, rules and regulations not inconsistent with law as they may deem necessary and proper for the public welfare and the best interests of the institution and its inmates, and shall also have power to appoint the necessary officers and agents, who shall be removable at their pleasure, and shall make an annual report of their proceedings to the Governor of the State, who shall submit the same, with such recommendations as he may deem proper, to the General Assembly at its next session thereafter.

Ibid.

**17.** Upon expiration of each of the terms of office of said board of managers the Governor shall, by and with the advice and consent of the Senate, appoint two persons, residents of this State, for the term of six years from the first day of May next ensuing their appointment, until their successors are qualified, and shall appoint from time to time during the continuance of said institution, as said terms expire, two persons, residents as aforesaid, for a full term of six years, so that the board of managers shall be divided into three classes, one-third of whom shall go out of office at the end of every two years; and the Governor

shall also have power in the case of any vacancy occurring in any of said classes from death, resignation, removal from the State, or from any cause whatever, to appoint a person or persons to fill such vacancy or vacancies for the balance of the term of said class.

1894, ch. 281.

**18.** The sum of seventy-five thousand (\$75,000) dollars or so much thereof as may be necessary, is hereby appropriated for the purchase of land and the erection and construction of the necessary buildings upon what is known as the cottage or segregate plan, for the better provision for the insane of the State of Maryland; and the treasurer of the State is hereby directed to pay on the warrant of the comptroller to the said board of managers, upon the exhibition of proper vouchers, such sums as may be required for the purpose of this sub title, not exceeding the sum of seventy-five thousand dollars.

Ibid.

**19.** The said board of managers are hereby authorized and empowered to purchase a tract or tracts of land comprising not less than two hundred and fifty acres, and shall immediately proceed to the erection and construction of suitable buildings to care for such of the insane of the State as may be sent to the hospital, as hereinafter provided.

Ibid.

**20.** The judges of the criminal Court of Baltimore City, and the judges of the circuit courts for the different counties of the State may commit to the said hospital, in accordance with the provisions of the code, as soon as the board of managers shall be ready to receive and properly care for them, such insane persons as are now maintained by Baltimore city and the respective counties of the State at the public charge, not to exceed in number the proper quota to which said city or counties may be entitled, as based upon the last preceding census of the United States.

Ibid.

**21.** For the purpose of meeting the expenses of said hospital after it shall be ready to receive inmates, the sum of twenty-five

thousand dollars is hereby appropriated out of any money in the treasury not otherwise appropriated, and the treasurer of the State is authorized and directed to pay the same or so much thereof as may be necessary to the board of managers of the Second Hospital for the Insane of the State of Maryland, on the warrant of the comptroller, at such times and in such amounts as the board of managers may require.

1894, ch. 231.

**22.** The said board of managers shall make, annually, a detailed report to the Governor of all moneys received and expended by them in carrying out the provisions of this sub-title.

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## ARTICLE XLV.

### HUSBAND AND WIFE.

1. Wife's property not liable for husband's debt. Husband may not prejudice rights of subsisting creditors by conveyance to the wife. Creditors must assert their claims within three years from such conveyance.
2. Rights of creditors in cases of conveyance from husband to wife directly or indirectly.
3. Trustee not necessary to married woman for the security and separate use of her property. May have trustee if she so desires.
4. Married women may hold and dispose of their property as fully as if unmarried. Husband must unite in conveyances of married women under eighteen years.
5. Married women may engage in business, contract, sue and be sued upon contracts and for torts, as if unmarried.
6. Rights of widow to dower in lands held by legal or equitable title by husband during coverture.
7. Husband shall acquire estate for life in one-third of wife's lands.
8. Married women may insure life of her husband for her sole use. Husband may cause his life to be insured for wife's sole use. Such insurance to be free from all claims of husband's representatives or his creditors.
9. Policies taken out or assigned for benefit of wife, children or dependent relative to be free from claims of creditors of insured.

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| <p>10. After wife's death, how such insurance may be payable.</p> <p>11. The receipt of any married women may be a valid discharge to individual or corporation making payment.</p> <p>12. Right of married women to relinquish dower. Right of husband to relinquish his interest in real estate of his wife.</p> <p>13. Grant and conveyance of land where married man or woman is insane or has been absent or unheard of for seven years.</p> <p>14. Husband not liable for ante-nuptial debts of wife. Liability of wife therefor as if she were unmarried.</p> <p>15. Proceedings at law or in equity may be taken against wife by joining her husband thereto as</p> | <p>defendant. Husband's estate not liable.</p> <p>16. Married woman may appoint attorney to act for her.</p> <p>17. Landlord may levy rent by distress against married woman, lessee, as if she were <i>feme sole</i>. Re-entry for non-payment of rent.</p> <p>18. Married woman, as grantee or lessee of deeds of real estate or chattels real, competent to bind herself as if she were <i>feme sole</i>, by covenant running with or relating to such estate.</p> <p>19. Husband in action to recover in right of his wife after her death may declare how the right accrued to his wife and devolved on him.</p> <p>20. Husband liable for debts validly contracted by wife in his name as at common law.</p> |
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P. G. L., (1883,) art. 45, sec. 1. 1892, ch. 267. 1898, ch. 457.\*

1. The property, real and personal, belonging to a woman at the time of her marriage, and all the property which she may acquire or receive after her marriage, by purchase, gift, grant, devise, bequest, descent, in the course of distribution, by her own skill, labor or personal exertions, or in any other manner, shall be protected from the debts of the husband, and not in any way be liable for the payment thereof; provided, that no acquisition of property passing to the wife from the husband, after coverture, shall be valid if the same has been made or granted to her in prejudice of the rights of his subsisting creditors, who, however, must assert their claims within three years after the acquisition of the property by the wife, or be absolutely barred, and for the purpose of asserting their rights under this section, claims of creditors of the husband not yet due and matured shall be considered as due and matured.

Nicholson v. Condon, 71 Md. 622. Roane v. Hollingshead, 76 Md. 371. Hall v. Deering, 80 Md. 429. Manning v. Carruthers, 83 Md. 7. Norberg v. Records, 84 Md. 569-570. McCubbin v. Stanford, 85 Md. 390.

\*This act repeals and re-enacts the entire article, with amendments.

1892, ch. 586. 1898, ch. 457.

2. Whenever any interest or estate of any kind in any property, real, personal or mixed, situate, lying or being within this State, has been or shall hereafter be sold, conveyed, assigned mortgaged, leased, transferred or delivered by any husband, directly or indirectly to his wife, and has been or shall hereafter be subsequently sold, conveyed, assigned, mortgaged, leased, transferred or delivered by such wife and husband during their coverture, or by such wife after such coverture has terminated, or has been or shall hereafter be subsequently devised or bequeathed by such wife during such coverture or after such coverture has terminated; the fact of such previous sale, conveyance, assignment, mortgage, lease or delivery by such husband, directly or indirectly to his wife, shall not hereafter be deemed or taken at law or in equity, to have given, preserved or reserved, nor to give, preserve or reserve to any subsisting creditor of such husband, by reason of any debt or obligation, claim or demand whatsoever, any other or greater right, lien or cause of action against such interest or estate, or against any third person, his heirs, executors, administrators or assigns, than such creditors would have had in case such interest or estate had been sold, conveyed, assigned, mortgaged, leased, transferred or delivered, or devised, or bequeathed by such husband directly or indirectly to such third person. And the fact of such previous sale, conveyance, assignment, mortgage, lease or delivery by such husband, directly or indirectly, to his wife, or the recital thereof, in any instrument of writing whatever, shall not hereafter be deemed or taken at law or in equity, to give or impart, nor to have given or imparted notice to any third person, his heir, executors, administrators or assigns, of the existence, or of the possibility or probability of the existence of any subsisting creditor or creditors of such husband.

P. G. L., (1888,) art. 45, sec. 3. 1898, ch. 457.

3. It shall not be necessary for a married woman to have a trustee to secure to her the sole and separate use of her property; but if she desires it, she may make a trustee by deed, or she may apply to a court of equity and have a trustee appointed, in which appointment the uses and trusts for which the trustee holds the property shall be declared.

1898, ch. 457.

4. Married women shall hold all their property of every description, for their separate use, as fully as if they were unmarried, and shall have all the power to dispose of by deed, mortgage, lease, will or any other instrument that husbands have to dispose of their property, and no more; provided, that no disposition of her real or personal property, or any portion thereof, by deed, mortgage, bill of sale, or other conveyance, shall be valid if made by a married woman under eighteen years of age, unless her husband shall unite therein.

1898, ch. 457.

5. Married women shall have power to engage in any business, and to contract, whether engaged in business or not, and to sue upon their contracts, and also to sue for the recovery, security or protection of their property, and for torts committed against them, as fully as if they were unmarried; contracts may also be made with them, and they may also be sued separately upon their contracts, whether made before or during marriage, and for wrongs independent of contract committed by them before or during their marriage, as fully as if they were unmarried; and upon judgments recovered against them, execution may be issued as if they were unmarried; nor shall any husband be liable upon any contract made by his wife in her own name and upon her own responsibility, nor for any tort committed separately by her out of his presence, without his participation or sanction. *M. 24*

P. G. L., (1888,) art. 45, sec. 6. 1898, ch. 457.

6. A widow shall be entitled to dower in lands held by equitable as well as legal title in the husband at any time during the coverture, whether held by him at the time of his death or not, but such right of dower shall not operate to the prejudice of any claim for the purchase money of such lands, or other lien on the same.

1898, ch. 457.

*904* 7. Every husband shall acquire by virtue of his marriage an estate for his life in one-third of the lands held or owned by his wife at any time during the marriage, whether by legal or equi-  
*2.151*

able title, or whether held by her at the time of her death or not, but such estate shall not operate to the prejudice of any claim for the purchase money of such lands, or other lien on the same; nor shall any conveyance of such lands by the wife alone bar such estate of the husband therein.

• P. G. L., (1888,) art. 45, sec. 8. 1898, ch. 457.

8. Any married woman, by herself and in her name, or in the name of any third person, with his assent, as her trustee, may insure or cause to be insured for her sole use, the life of her husband for any definite period, or for the term of his natural life; and any husband may cause his own life to be insured for the sole use of his wife, and may also assign any policy of insurance upon his own life, to his wife, for her sole use; and in case of the wife surviving her husband, the sum or net amount of such insurance becoming due and payable by the terms of the insurance, shall be payable to her for her own use, free from the claims of the representatives of her husband, or any of his creditors.

Ibid. sec. 9. Ibid.

9. All policies of life insurance upon the life of any person which may hereafter mature, and which have been or shall be taken out for the benefit of or *bona fide* assigned to the wife or children, or any relative dependent upon such person, or any creditor, shall be vested in such wife or children, or other relative or creditor, free and clear from all claims of the creditors of such insured person.

Ibid. sec. 10. Ibid.

10. If the wife shall die before her husband the amount of such insurance may be payable after her death to the children or descendants for their use, and to their guardian, if under age, and if there be no children or descendants of the wife living at the time of her death, to her legal representatives.

Ibid. sec. 11. Ibid.

11. The receipt of any married woman for the payment of money deposited by her before or after marriage, shall be a valid discharge to any individual or corporation making such payment;

provided, that nothing contained in this section shall prevent any creditor of the husband from attaching the same, or restraining the payment by injunction, if the deposit was made in fraud of his creditors.

P. G. L., (1888,) art. 45, sec. 12. 1894, ch. 326. 1898, ch. 457.

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**12.** Any married woman may, at whatever age she may be, relinquish her dower in any real estate by the joint deed of herself and husband, or by her separate deed, and in like manner any husband may relinquish his interest in the real estate of his wife by joint or separate deed.

1896, ch. 243. 1898, ch. 457.

**13.** Where any married man or married woman is a lunatic or insane, and has been so found upon inquisition, and the said finding remains in force, or where any married man or married woman has been absent or unheard of for seven years, the husband or wife of such lunatic or insane or absent person may grant and convey by his or her separate deed, whether the same be absolute or by way of lease or mortgage, as fully as if he or she was unmarried, any real estate which he or she may have acquired since the finding of such inquisition or since the beginning of such absence.

P. G. L., (1883.) art. 45, sec. 17. 1898, ch. 457.

**14.** No husband shall be liable in any manner for any debts of his wife contracted, or for any claims or demands of any kind against her, arising prior to marriage, but she and her property shall remain liable therefor, in the same manner as if the marriage had not taken place.

Davis, ex'r, v. Carroll, 71 Md., 571.

Ibid. sec. 18. Ibid.

**15.** Proceedings at law or in equity, according to the nature of such debts, claims or demands, may be taken against such married woman, notwithstanding her coverture in her married name, joining her husband therein as defendant; but no judgment or decree shall pass against the husband or his estate, but such judgment or decree shall be passed against the wife only; and it shall operate only upon her estate held and owned by her prior or subsequent to said marriage.

P. G. L., (1888,) art. 45, sec. 19. 1898, ch. 457.

16. Any married woman, against whom any proceeding may be taken under the two preceding sections, shall have power to appoint an attorney-at-law to act for her in such proceeding.

Ibid. sec. 14. Ibid.

17. In all cases where leases for a definite term, or for a term of years, renewable forever, have been, or may hereafter be made to a married woman, and the rent therein stipulated to be paid shall be in arrear and unpaid for the space of ninety days, it shall be lawful for the landlord to levy said rent by distress, in the same manner as if the lessee was a *feme sole*; and in case of no sufficient distress being found on said premises, to make such re-entry, or bring such action for recovery of the demised premises as he or she might do if the lessee were *feme sole*, and had covenanted for the payment of said rents, and to suffer such re-entry to be made.

1900  
Ch. 13

Ibid. sec. 15. Ibid.

18. In all deeds made to married women, since March 19, 1867, of real estate or chattels real, it shall be competent for the grantee or lessee to bind herself and her assigns, by any covenant running with or relating to said real estate or chattels real, the same as if she was a *feme sole*.

Davis, ex'r, v. Carroll, 71 Md., 571.

Ibid. sec. 18. Ibid.

19. A husband bringing a personal action to recover in right of his wife after her death, may declare specifically, setting forth in the usual manner how the debt or right accrued to his wife, and stating further, that by marriage, the debt or right devolved on him.

In re Lee's estate, 76 Md., 111.

19A-1900 Ch. 633. (Mamie W. may contract or form partnership with H.)  
1898, ch. 457

20. Nothing in this article shall be construed to relieve the husband from liability for the debts, contracts or engagements which the wife may incur or enter into upon the credit of her husband, or as his agent, or for necessities for herself or for his or their children; but as to all such cases his liability shall be or continue as at common law.

## ARTICLE XLV A.

## IMMIGRATION.

**Bureau of Immigration.**

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| <ol style="list-style-type: none"> <li>1. Bureau of immigration established.</li> <li>2. Board of immigration commissioners appointed; term of office. State superintendent of immigration; his salary.</li> <li>3. Character, qualifications and bond of such superintendent.</li> <li>4. Office of board, where located. Advantages to immigrants at such office.</li> <li>5. Secretary to said board; his qualifications, salary, bond and duties.</li> </ol> | <ol style="list-style-type: none"> <li>6. Duties of said board. Organization of local boards in the counties.</li> <li>7. Duties of superintendent.</li> <li>8. Board to make contracts with railroads for transportation of immigrants.</li> <li>9. Meetings and annual report of board.</li> <li>10. Appropriation of \$3,000 per year for 1898 and 1899 to carry out the provisions of this article.</li> <li>11. Term of office of such board of immigration commissioners.</li> <li>12. Superintendent to collect statistics after 1900.</li> </ol> |
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**Bureau of Immigration.**

1896, ch. 295.

1. There is hereby established within and for the State of Maryland, a bureau of immigration to encourage immigration to this State.

Ibid.

2. There shall be appointed by the Governor, by and with the advice and consent of the Senate, once in every two years, a board of immigration commissioners, composed of three members, one of whom shall be president of the board, and one of whom shall be State superintendent of immigration, and shall be so designated in his appointment; the said commissioners shall be appointed for a term of two years, and until their successors are duly qualified; the State superintendent shall receive a salary of two thousand dollars per annum, payable quarterly, upon the warrant of the comptroller, and the other two commissioners shall serve without compensation, except for their actual expenses in attending the meetings of the board.

Ibid.

3. The State superintendent of immigration shall be a man of good character and capacity, a citizen of the State of Mary-

land, and shall give bond to the State of Maryland in the sum of ten thousand dollars, with sufficient sureties, to be approved by the Governor, conditioned for the faithful and efficient discharge of the duties of his office.

1896, ch. 295.

4. The board of immigration commissioners shall procure a good and sufficient office in the city of Baltimore, well located for the purpose, for which the bureau of immigration is established, which shall be kept open daily during the year from nine o'clock A. M. to five o'clock P. M., in which said office shall be kept conveniently, for ready reference, maps, pamphlets and other statisticts, fully and clearly descriptive of the geographical position of each county of the State, its agricultural and other resources and capabilities, shipping, marketing and other facilities, the quanties and character of lands for sale and the price for which the same may be obtained ; the social, educational and other conditions of the several counties, and the advantages and inducements of every character offered to immigrants by each ; and full and explicit information in these several particulars, and any others that may be deemed necessary, shall be at all times gratuitously furnished to all who may apply, in person or by letter, for the same.

Ibid. 1898, ch. 282.

5. The said board of immigration commissioners shall appoint a secretary, who shall be a person of good address and conversant with English, the German, Dutch and French languages, if practicable, who shall hold his office during the time of said board, unless his appointment shall be sooner revoked for cause ; he shall receive a salary of twelve hundred dollars per annum upon the warrant of the comptroller, and he shall give bond in the sum of five thousand dollars, to be approved by the board of immigration commissioners for the faithful discharge of the duties of his office ; it shall be the duty of the secretary to attend daily at the office of the bureau of immigration during the office hours as hereinbefore prescribed ; to arrange and carefully file away and preserve all the records, statistics, pamphlets and other data and documents of the office ; keep the books of the bureau, conduct its correspondence, and perform such other

duties pertaining to the functions of the bureau as may be required of him by the board of immigration commissioners; and in the absence of the State superintendent, it shall be the duty of the secretary to furnish all required information regarding immigration matters to persons who may apply thereto. And the said board is also authorized to appoint a clerk who shall also act as stenographer and typewriter, at a salary not to exceed six hundred dollars per annum.

1896, ch. 295.

6. As soon as organized it shall be the duty of the board of immigration commissioners to take the proper steps to collect reliable information appertaining to the functions of this bureau in regard to every county in this State; and for this purpose, as well as for the purpose of distributing and locating such immigrants as may be brought to the State through the agency of the bureau, it shall be the duty of the board of immigration commissioners to invite and encourage the organization of local boards of immigration commissioners in the several counties of the State; such auxiliary boards, however to receive no pecuniary aid or assistance from the State board; the said board of immigration commissioners may also call upon the county commissioners of the several counties to assist them in the collection of the necessary statistics and information, and in the verification of the same; and the said board of commissioners shall procure, at the expense of the State, such maps and other drawings as may be necessary to properly illustrate the geographical, topographical, physical, agricultural and other conditions of the State appertaining to the functions of this bureau.

Ibid. 1898, ch. 282.

7. If it shall appear necessary or desirable in order to promote the objects of the bureau, the State superintendent may personally or through a special agent visit Canada or any of the States of the Union, for the purpose of inducing or attracting to this State such immigration as he shall deem desirable, and may also employ such other means of advertisement to that end as may commend themselves to his judgment, keeping himself for this and all other purposes, except salaries, within the appropriation for the expenses of this bureau.

1896, ch. 295.

8. The board of immigration commissioners shall have power to make contracts with railroads, steamship lines, transportation companies and masters of vessels, securing a low rate of transportation to immigrants, and to make the necessary arrangements for their reception and temporary accommodation upon their arrival at Baltimore or other points in the State, until they can be distributed and located in the different counties of the State.

Ibid.

9. The board of immigration commissioners shall meet quarterly at their office in Baltimore city, and at such other times as they may determine for the purpose of promoting the work for which this bureau is organized; and they shall make an annual report to the Governor, to be by him laid before the General Assembly at each regular session; said report shall contain an itemized statement of all money received by the board, and to whom and for what purpose paid (the vouchers for which expenditures shall be filed in the office of the bureau,) the results attained or expected to be attained, the statistics of immigration and other kindred information, together with such suggestion as the board may think proper to make.

Ibid. 1898, ch. 282.

10. The sum of three thousand dollars per year for the years 1898 and 1899 is hereby appropriated for the use of the bureau of immigration, for their expenses in carrying out the provisions of this article, said fund to be known and designated as the "Immigration Fund," and the comptroller shall draw his warrant on said fund upon the requisition of the board of immigration commissioners, and the salaries of the superintendent and secretary shall be paid on the warrant of the comptroller and the requisition of the board of immigration commissioners out of any funds in the treasury not otherwise appropriated.\*

1896, ch. 295.

11. The first term of office of the board of immigration commissioners hereby appointed shall commence on the first day of May, in the year 1896, and if there be not sufficient opportunity after the adoption of this article for the Governor to appoint such

\*By the act of 1898, chapter 300, a special additional appropriation of \$500 was made to the bureau of immigration, to be applied to the payment of its expenses during 1896 and 1897.

board, by and with the advice and consent of the Senate at the session of 1896, he is hereby authorized to make such appointment, subject to the approval of the Senate at its next session.

1898, ch. 282.

12. After the first day of January, 1900, the superintendent of immigration shall proceed to collect statistics and information concerning the various branches of industry in this State and the needs thereof.

## ARTICLE XLVII.

### INSOLVENTS.

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| <p>14. Deeds, etc., containing preferences in cases of insolvency, not valid. Exceptions.</p> <p>15. Wages of employes of insolvents, are preferred claims.</p> <p>18. Powers of clerks of circuit courts in insolvent cases.</p> <p>22. What shall constitute acts of insolvency.</p> <p>24. Burden of proof as to <i>bona fide</i> deeds, etc., in insolvency must be with the grantor and grantee.</p> | <p>25. When right of mortgagee to sell property of insolvents is not affected by filing of petition for insolvency.</p> <p>33A. This article is not to be construed to render invalid <i>bona fide</i> assignments for the benefit of creditors.</p> <p>34. This article shall apply to married women engaged in business as <i>feme sole</i>.</p> |
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1890, ch. 364. 1896, ch. 184. 1896, ch. 446.

14. No deed or conveyance executed, or lien created by any person being insolvent or in contemplation of insolvency, save as hereinafter provided, shall be lawful or valid if the same shall contain any preference, save such as result from operation of law, and save those for the wages or salaries to clerks, servants, salesmen and employes contracted not more than three months anterior to the execution thereof; and all preferences, with the exceptions aforesaid, shall be void, howsoever the same may be made; provided, the grantor or party creating said lien or preference shall be proceeded against under section 23 of this article, or shall apply for the benefit of this article under section 1 within four months after the recording of the deed or conveyance or the creation of said lien or preference, and shall be declared or shall become, under the provisions of this article, an insolvent; pro-

vided, that nothing in this section shall apply so as to set aside or render invalid the lien of any such judgments, mortgage or other conveyance executed by the debtor for money *bono fide* loaned or paid at the time of the creation of such judgments, mortgage or conveyance, but such shall remain a valid and subsisting lien, although the debtor may be proceeded against under or may apply for the benefit of this article.

*Brown v. Smark*, 69 Md., 320. *Hinkelman v. Fey*, 79 Md., 114. *Pfaff v. Prag*, 79 Md., 371. *Willison v. Frostburg Bank*, 80 Md., 211. *Nicholson v. Schmucker*, 81 Md., 464. *Vogler v. Rosenthal*, 85 Md., 45.

1896, ch. 184.

**15.** Whenever any person or body corporate shall make an assignment for the benefit of his, her or its creditors, or shall be adjudicated insolvent upon his, her or its petition, or upon the petition of any creditor or creditors, or shall have his, her or its property or estate taken possession of by a receiver under a decree of a court of equity, in the distribution of the property or estate of such person or body corporate, all the money due and owing from such person or body corporate for wages or salaries to clerks, servants, salesmen or employes contracted not more than three months anterior to the execution of such assignment, adjudication of insolvency, or appointment of receiver, shall first be paid in full out of such property or estate, after payment of the proper and legitimate cost, expenses, taxes and commissions, and shall be preferred to all claims against the property and estate of such insolvent person or body corporate, except the lien claims of such persons as shall hold liens upon such property or estate, recorded at least three months prior to such assignment, adjudication or decree.

*Ellicott Machine Co. v. Speed*, 72 Md., 24. *Lewis v. Fisher*, 80 Md., 140. *Casualty Ins. Co.'s Case*, 82 Md., 567-8. *Roberts v. Edie*, 85 Md., 183. *Hess v. Jewell*, 85 Md., 236. *Parlett v. Dugan*, 85 Md., 410.

1894, ch. 93.

**18.** The clerks of the circuit courts may receive the petitions under this article, and appoint the preliminary trustee mentioned in this article, and approve his bond, as well as the bond of the permanent trustee; take acknowledgments to the deeds to the preliminary and permanent trustees, and fix the day or days for

the insolvent to appear and answer interrogatories or allegations, and order notices to be given to the creditors under such rules as the circuit court may prescribe, and shall receive as compensation one dollar; provided, that no clerk shall in any case appoint the preliminary trustee of any applicant for the benefit of the insolvent law, against whom there is pending at the time of his application, a petition or petitions filed by his creditors under the 23d section of this article, but shall submit every such application, together with all such petitions then pending against such applicant, to one of the judges of the said courts for this action.

1896, ch. 446.

**22.** Any person who shall depart from or remain absent from this State with intent to hinder, delay or defraud his creditors, or conceal himself to avoid service upon him in any action for the recovery of a debt; and any person who conceals or removes any of his property to prevent the same from being taken under legal process, or makes an assignment, gift, sale, conveyance or transfer of all or part of his estate or property with the intent to delay, hinder or defraud his creditors; or who, when insolvent or in contemplation of insolvency, executes a deed or conveyance giving preferences, creates a lien making any unlawful preferences as therein stated, or otherwise gives such preference; or when insolvent or in contemplation of insolvency, confesses any judgment or allows any judgment to be entered against him by any contrivance, or being a banker, broker, merchant, trader, builder or manufacturer, stops payment of his negotiable paper fraudulently, or suspends payment thereof and fails to resume the same within twenty days; or being a banker or broker shall fail for twenty days to pay any depositor on demand lawfully made, shall be deemed to have committed an act or acts of insolvency, as the case may be; provided, the petition mentioned in the next succeeding section is filed within four months after the act of insolvency is committed.

*Willison v. Frostburg Bank*, 80 Md. 211. *Vogler v. Rosenthal*, 85 Md. 46. *Gardner v. Gambrill*, 86 Md. 660.

1896, ch. 446.

**24.** If any deed, conveyance, assignment, gift, transfer or delivery be made of any goods, chattels, money, choses in action,

lands, tenements or other property, or lien created thereon when the grantor or person creating the same is insolvent or in contemplation of insolvency, the same shall be *prima facie* intended to hinder, delay and defraud the creditors of the person by whom the same is made, and the burden of proof shall rest upon him and the grantee to explain the same and show the *bona fides* thereof; provided the creditors of the grantor in such deeds, conveyances or assignments shall avail themselves of the provisions of this article.

Castleberg v. Wheeler, 68 Md. 266. Brown v. Smart, 69 Md. 332. Pfaff v. Prag, 79 Md. 370. Smith v. Pattison, 84 Md. 344. Vogler v. Rosenthal, 85 Md. 47-9. Applegarth v. Wagner, 86 Md. 474.

1892, ch. 658.

**25.** If any real estate, chattel, real or personal property of the insolvent shall have been decreed to be sold by virtue of any decree of any court of equity for the enforcement of a mortgage, or if there be a power of sale, or a consent to a decree for a sale contained in any mortgage, or bill of sale of real estate, chattels, real or personal property of the insolvent, as the case may be, the filing of the petition in insolvency, either by or against the insolvents, as hereinbefore provided, and the subsequent proceedings in insolvency on such petition shall not disturb, defeat, or impair the right of the mortgagee to apply for a decree or of the trustee named in the decree, or the mortgagee, or bargainee, or his assignee, or person authorized in the mortgage as bill of sale to make sale to proceed with such sale, or to execute the power of sale contained in said decree, mortgage, or bill of sale, unless the right, or power or consent to decree shall be waived in writing by the mortgagee, or his proper representatives, and in all such cases in the absence of waiver of right by the mortgagee or his proper representatives, as hereinbefore provided, the trustee in insolvency shall only be authorized to sell the equity of redemption of the insolvent in all such property by decree, mortgage or bill of sale as aforesaid.

1894, ch. 568.

**33 A.** The provisions of this article shall not be construed to apply to, or in any manner affect or impair any *bona fide* deed or

conveyance by whosoever made, which may be executed and recorded after the 6th day of April, 1894, and which by its terms conveys all the property and estate of the grantor or grantors therein to a trustee or trustees therein named, in trust for the equal benefit of all the creditors of said grantor or grantors, without preference or priority, save as sanctioned by this article, although the grantor or grantors in said deed of conveyance may apply for the benefit of, or be proceeded against under, the provisions of this article, after the execution and recording of such deed or conveyance; and notwithstanding such grantor or grantors may apply, or be proceeded against under the provisions of this article, the trustee or trustees named in such deed or conveyance may lawfully and without any interference of, or claim by or upon the part of, the preliminary or permanent trustee in insolvency of such grantor or grantors, proceed to fully administer the trusts created by such deed or conveyance, and distribute the property and estate passing thereunder, or the proceeds thereof, to the persons entitled thereto, under the supervision of the equity court having jurisdiction over the same.

*Pfaff v. Prag*, 79 Md. 370. *Gardner v. Gambrill*, 86 Md. 662.

1898, ch. 355.

**34.** The provisions of this article shall apply to married women engaged in business as *femes sole*.

## ARTICLE XLVIII.

### INSPECTIONS.

#### **Tobacco.**

9. Appointment, tenure of office and salaries of chief inspector and deputy inspectors of tobacco.
10. Bond and duties of chief inspector.
11. Appointment, duties and salary of chief clerk of chief inspector. Appointment and

- salaries of clerks to deputy inspectors. Employment of laborers. Their wages.
12. Daily reports to be made by clerks. Office of chief inspector.
13. How the salaries of chief inspector and other officers and employes shall be paid.

14. Chief inspector to have charge of receipts and expenditures. To make quarterly reports.
  15. In case of absence from sickness inspector to appoint his substitute from among his clerks, or employes. Oath of such substitute.
  18. Duty of inspector in regard to numbering, etc., of hogsheads of tobacco.
  23. Dispute concerning tobacco to be referred to arbitration committee. Proviso.
  25. Payment of the award.
  29. Repealed.
  41. Storage shall be rented when necessary.
  44. Inspector to have control of the wharves in absence of State wharfinger.
  - 50 A. Duty of arbitration committee.
- State Horticultural Department.**
51. State horticultural department; its purpose.
  52. Officers of said department.
  53. Said department to be under control of trustees of agricultural college and experiment station. Salary of the several officers. Expenses; how to be paid.
  54. Duty of said officers.
  55. Said officers authorized to enter upon any lands for the purpose of carrying out the provisions of this sub-title.
  56. Authority of such officers to mark infested trees and notify owners.
  57. Trustees of Agricultural College to send officers of horticultural department to inspect into every county of the State.
  58. Inspection of trees, vines, etc., and duty of officers.
  59. Transportation of diseased trees, etc., a misdemeanor. Penalty.
  - 59 A. Plants to be fumigated.
  60. All plants shipped must be labeled. Certificate of inspection to be shown. Duty of officers when provisions of this sub-title are violated.
  61. Penalty for shipping without certificate. Fines to be paid into the fund appropriated for carrying out these provisions. Infested trees so shipped to be destroyed.
  62. Annual report of officers.
  63. Report to be published.
  64. Appropriations for carrying out the provisions of this sub-title.
- Tree and Fruit Inspectors.**  
**"The Yellows."**
65. Warrant for such appropriations. Amount to whom payable.
  66. Penalty for allowing infected trees to continue on premises.
  67. Such trees to be destroyed. No damages shall be awarded for such destruction.
  68. Appointment of "tree and fruit inspectors."
  69. Duty of such inspectors in regard to diseased trees.
  70. Proceedings where owner neglects to comply with order of inspector.
  71. Penalty for non-compliance with provisions of section 69.
  72. Definition of "yellows"—A contagious disease.
  73. Compensation of inspectors.
  74. Penalty for interfering with inspectors.
- Protection of Workmen and Others Against Unsafe Scaffolding.**
75. Duty of police commissioners, marshal or police to inspect unsafe scaffolding.

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| <p>76. Officer to attach notice to such scaffolding. After notice, person responsible must remove such scaffolding.</p> <p>77. Scaffolding; how to be constructed.</p> | <p>78. Officers to have access to all buildings.</p> <p>79. Penalty for violating the provisions of this sub-title.</p> |
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### Tobacco.

1890, ch. 262. 1892, ch. 41. 1894, ch. 251. 1896, ch. 280. 1898, ch. 314.

9. The Governor shall nominate and by and with the advice and consent of the Senate, biennially appoint one chief inspector of tobacco, at a salary of two thousand dollars per annum, who shall have charge of all the State tobacco warehouses now used in the city of Baltimore, whose term of office shall begin on the first day of March following; the Governor shall also biennially appoint three deputy inspectors, whose term shall begin and end at the same time as the chief inspector, and who shall receive a salary of eighteen hundred dollars each per annum.

Ibid.

10. The chief inspector so appointed shall, before entering upon the discharge of the duties of his office, give bond to the State of Maryland in the sum of fifty thousand dollars, with a surety or sureties to be approved by the treasurer of the State, conditioned for the faithful performance of the duties imposed on him by law and for the full and punctual report at the end of each quarter of the receipts and disbursements of the State tobacco warehouses in the city of Baltimore under his charge, which bond shall be recorded in the office of the clerk of the Superior Court of Baltimore city, and the said chief inspector shall, so soon as he shall have bonded and qualified as required by law, take charge of all the tobacco warehouses in Baltimore city, except No. 2 warehouse, and all the tobacco, books, furniture, appurtenances and effects belonging to the same, and shall receipt to his predecessors in office for the same, and upon the appointment and qualification of his successor, shall deliver the same to said successor and take a similar receipt; he shall personally or by deputy inspectors or their assistant deputies, in this sub-title provided for, inspect all tobacco in said warehouses; but said chief inspector, the deputies, assistant deputies or other persons appointed to or employed in said tobacco warehouses shall not be

engaged in the purchase or sale of tobacco (except that they may sell tobacco of their own raising,) nor shall it be lawful for any person thus appointed or employed in the warehouses to receive any gift or emolument whatever, either directly or indirectly, for any favor rendered in the line of his duty, other than his regular salary or wages, and any person violating the provisions of this section shall be immediately dismissed from office or service. Each of the deputy inspectors before entering on the duties of his office shall give bond to the chief inspector with a surety or sureties to be approved by said chief inspector in the sum of ten thousand dollars, conditioned for the faithful discharge of his duties; and the said chief inspector in his discretion may exact a bond from the persons who directly receive and handle the moneys collected on account of the business of said warehouses. The deputy inspectors shall be subject to removal for cause by the chief inspector, with the approval of the Governor, and the said deputy inspector shall have authority to dismiss any assistant or employes in said warehouses whenever in his judgment shall seem for the good of the service for which they are respectively employed; and every deputy inspector shall be responsible to the chief inspector for the faithful performance of the duties of all employes under them, respectively; and any neglect of duty on the part of any employe shall be cause for his immediate removal by the deputy inspectors in their respective warehouses.

1890, ch. 262. 1892, ch. 41. 1894, ch. 251. 1896, ch. 280. 1898, ch. 314.

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11. The chief inspector of tobacco shall be entitled to appoint one chief clerk at a salary of twelve hundred dollars per annum, which chief clerk shall have his office at such one of the warehouses as shall be designated and occupied by the chief inspector, and shall perform all the duties of chief clerk to said chief inspector for all the business done at all of said warehouses. The said deputy inspectors provided for in this article shall respectively be in charge of such warehouse to which he is assigned by the Governor, and shall each be authorized to appoint one tobacco note clerk, one receiving clerk, one shipping clerk, one weighing clerk, one assistant clerk, one sample tyer, one janitor, one finder, one elevator and stay-floor man and not more than

ten screwmen nor more than four laborers. The salaries of the tobacco note clerks shall be one thousand dollars per annum each, receiving clerks, shipping clerks and weighing clerks shall be eight hundred dollars per annum, each, that of the sample-tyers shall be seven hundred dollars per annum each. The wages of the assistant clerks, janitors, finders, elevator or stay-floor men and screwmen shall be two dollars per day each, the wages of the laborers shall be one dollar and fifty cents per day, each. No deputy inspector shall employ any additional force or labor than that hereinbefore specified, without the approval of the chief inspector, but with such approval the deputy inspectors are authorized to employ as many laborers at one dollar and fifty cents per day as may be necessary for the proper and economical management of the respective warehouses, and it shall be the duty of the chief inspector to order the discharge of any or all of said additional laborers in part or whole, whenever the regular force can do the work.

1890, ch. 262. 1892, ch. 41. 1894, ch. 251. 1896, ch. 280. 1898, ch. 314.

**12.** At the end of each day the tobacco note clerk in each of said warehouses shall make a detailed report of the operation of such respective warehouses to the chief clerk, who shall enter a full record thereof in a book kept by him for that purpose; the chief clerk shall collect all monies due said warehouses, and in a set of books to be provided for that purpose, keep the accounts of each warehouse separately, and consolidate the operations of all of said warehouses in one general ledger, so as to show the operations thereof individually and collectively. The chief inspector shall select an office in one of the warehouses now used by the State, to be most agreeable to him, with a due regard to the most central location for the purpose of business.

Ibid.

**13.** The salaries and wages of the chief inspector, deputies, assistant clerks and all employes and appointees of said warehouses shall be paid from the receipts thereof and from no other source.

1898, ch. 314.

**14.** The chief inspector shall have full charge of all the receipts and disbursements of the said warehouses, shall make

all contracts for nails or other articles required for the use of said warehouses except for repairs, and shall make a report quarterly, viz: On the first of January, April, July and October in each year, showing the receipts and disbursements of each of said warehouses with the vouchers therefor, giving in detail the respective amounts received from outage, storage, cooperage, reconditioning, stays and sale of scraps, and also showing the respective amounts paid for labor, nails, lumber, hoops, incidentals, wages and salaries, and showing the cash balance for each quarter, and at the quarter ending April first in each year, pay over to the Comptroller to whom the aforesaid reports are required to be made, all moneys in hand after paying all expenses and salaries of said warehouses, and said chief inspector shall have power to have tobacco delivered at such warehouses, as in his judgment may seem best for the public interest.

1898, ch. 814.

15. In case of absence of the inspector by reason of sickness or any unavoidable cause, then during his absence his duties shall devolve upon the chief clerk or other such clerk or employe as the inspector may select or designate, who shall qualify under oath for the faithful discharge of the same.

Ibid.

18. It shall be the duty of the inspector to cause each hogshead of tobacco landed or delivered at the warehouses to be numbered in succession, as received, and cause said number to be entered in a book kept for that purpose, together with the time said hogshead was received, the name of the vessel or other conveyance, if known to him, by which said hogshead was brought to the city of Baltimore and of the owner or consignee of said tobacco, and the initials or other trade-marks on said hogshead identifying the same, and when said hogshead shall be removed from said warehouses he shall cause an entry to be made in some book, kept for that purpose, of the time when the same was removed, the name of the person to whom the same was delivered and of the vessel or other conveyance by which the same was taken away.

1898, ch. 814.

**23.** Whenever any dispute shall arise concerning the correctness of any sample furnished by the inspector of tobacco under the seal of the State, said controversy shall be referred to a committee of arbitration, consisting of three persons, to be selected as follows: one thereof shall be selected by the inspector, one thereof shall be selected by the claimant or claimants, or his or their agents, and the two thus selected shall select the remaining member of said committee; provided, however, that no person shall be so selected, or if selected, shall be competent to serve as a member of any committee of arbitration, who shall have a direct or indirect interest in the tobacco in controversy.

Ibid.

**25.** The inspector shall pay the amount of any award made in writing and under seal by any committee of arbitration duly constituted as heretofore provided, to the party or parties thereto entitled, within thirty days after the date thereof, and shall take the receipt of the claimant or his agent for the same, which said receipt together with said award signed and sealed by said committee of arbitration or a majority of them, shall be returned by the inspector to the comptroller of the treasury in the inspector's next ensuing report thereafter and shall be a voucher for money expended.

Ibid.

**29.** Repealed.

Ibid.

**41.** Whenever so large an amount of inspected tobacco shall have accumulated in the warehouses as to delay inspections, the inspector shall have the right to rent storage for as much as may be necessary to remove.

Ibid.

**44.** In the absence of the State wharfinger, the inspector of tobacco shall have control of the wharves in front of the warehouses, so far as relates to the landing or cording of wood or other materials to the exclusion of tobacco, and vessels having tobacco or other conveyances having tobacco to deliver to such warehouses shall have preference over all others in the use of such wharves;

no charge for wharfage shall be laid on any tobacco received at or delivered from any of the State warehouse wharves.

1898, ch. 314.

**50 A.** If any owner or owners of tobacco, or his or their agent or agents shall believe that any of their tobacco has been incorrectly sampled, and shall so notify the inspector before the sale thereof within ten days of the date of its inspection, the matter shall be referred to a committee of arbitration, consisting of three persons to be selected as follows: One thereof shall be selected by the inspector, one thereof shall be selected by the owner or owners of the tobacco, or their agent or agents, and the two thus selected shall select the remaining member of the committee; and said committee shall then have the power to require the deputy inspector in charge of said hogshead of tobacco to have the same re-opened and if it shall be found that the sample does not correctly represent said tobacco, the said committee or a majority of them, shall select a sample which shall correctly represent, and shall be substituted in the place of the rejected sample at no cost to the owner; provided, however, that if said sample shall be found by said committee to properly represent said tobacco, then the cost of re-opening said tobacco shall be paid by the owner of the same, and said cost shall be one dollar (\$1.00) per hogshead.

**State Horticultural Department.**

1896, ch. 290. 1898, ch. 289.

**51.** A State horticultural department is established for the State of Maryland; its purpose is to suppress and eradicate the San Jose scale, peach-yellow, pear-blight and other injuriously dangerous insect pests and plant diseases throughout the State of Maryland.

Ibid.

**52.** The profesor of entomology, the professor of vegetable pathology, and the professor of horticulture of the Maryland Agricultural College and Experiment Station shall be the State entomologist, State pathologist and State horticulturalist, respectively.

1896, ch. 290. 1898, ch. 289.

**53.** The said horticultural department shall be under the control of the board of trustees of the Maryland Agricultural College and Experiment Station, to whom the officers created under this sub-title shall be responsible; the salary of the State entomologist and State pathologist shall be fixed by the said board of trustees, and the said board shall likewise fix the compensation of any assistant or assistants, employe or employees, and control all expenses thereof. The expenses of said department shall be paid out of an appropriation hereinafter provided for, and said board of trustees are invested with all powers necessary to carry into effect the provisions of this sub-title; but no expenses shall be incurred beyond the amount appropriated.

Ibid.

**54.** It shall be the duty of said State entomologist and State pathologist, their assistants and employes, under the control of trustees of said college, to seek out and suppress all pernicious insect pests and contagious diseases hercinbefore mentioned as destructive to horticultural and agricultural interests of this State, and conduct experiments when necessary to accomplish that end.

Ibid.

**55.** In order to accomplish the purposes of this sub-title, the State entomologist and the State pathologist, their assistants and employes, or any other officer, assistant or employe appointed by said board of trustees, are hereby authorized to enter upon any public premises, parks, cemeteries or other premises, or upon any land of any firm, corporation or private individual within the State of Maryland for the purpose of inspecting, destroying, treating or experimenting upon the insects and diseases aforesaid. Should any insect or disease found by said State entomologist or State pathologist, or by any other officer appointed by said trustees, be, in their opinion, capable of eradication without the destruction of the tree or plant, then said officers are to treat or cause to be treated with proper remedies and appliances all such trees, vines, shrubs, plants and grains. Further, said State officers shall treat or have treated, in order

to prevent the dissemination of the aforesaid insects or diseases, any and all suspicious trees, vines, shrubs, plants and grains found to be in a dangerous proximity to those infested as aforesaid.

1896, ch. 260. 1898, ch. 289.

**56.** Should any of the officers aforesaid, through their assistants and employes, or by any notification whatsoever, find any fruit trees, vines, shrubs, plants or grains, infested or diseased with the aforesaid insects or diseases, the aforesaid officers shall mark or tag in some conspicuous way, all trees, vines, shrubs, plants or grains infested with the aforesaid diseases and shall give notice in writing to the owner or owners, tenants or person in charge of such premises of the condition thereof, and thereupon, if such person or persons so notified shall not within ten (10) days after notification, destroy or treat the same in accordance with regulations and rules of said trustees, a copy of which will be sent on application to any person, then said trustees shall, through their officers, assistants or employes, destroy or treat all such trees, plants, vines, shrubs and grains, and the State officers shall file a statement of the expenses of such destruction or treatment with the trustees of said college, and said trustees shall transmit a copy of such statement and account of such expenditure, with the usual affidavit attached thereto, to be made by the State officers, which shall be sufficient evidence to prove the claim to the State's attorney of the county where the owner of such premises resides, and said attorney is directed to collect the same and account to the trustees of the Maryland Agricultural College therefor.

Ibid.

**57.** It shall be the duty of said trustees to send the State entomologist, or the State pathologist, or their duly authorized assistants, at least once a year into each county of the State for the purpose of determining by inspection the healthfulness and general condition of the horticultural and agricultural interests.

Ibid.

**58.** It is hereby also made the duty of the said board of trustees, through the State entomologist and the State pathologist, or their duly authorized assistants, to inspect at least once in every

six (6) months, all nurseries of trees, vines, shrubs and plants, subject to the aforesaid insects or diseases within the State, and if found free, so far as can be determined by inspection, from the aforesaid insects or diseases, to give to the owner or owners or persons in charge of said nurseries, a certificate of inspection showing such nurseries or premises to be apparently free from such insects and diseases. If any of the aforesaid insects or diseases should be found in any nursery or orchard, or any premises within the State where nursery stock is grown, the aforesaid officers shall cause to be destroyed or treated such portion of such nursery stock or other trees or plants as in their opinion may be necessary, and shall release all other nursery stock grown upon said premises, and issue a certificate of inspection to the owner or owners as herein provided for; and if such infested or diseased trees, vines, plants or shrubs be destroyed by the aforesaid officers, then the owner shall pay the cost thereof, and if he refuse to pay the same it shall be collected as prescribed in section 56. No nurseryman, broker, agent, dealer or other person shall be permitted to sell, ship, send out, or give away, by mail, express, freight or otherwise, any trees, vines, shrubs, plants, buds or cuttings from any such nurseries or premises, without accompanying the same, with a copy of the said certificate printed upon a tag or label not easily destroyed, the same to be firmly attached in some conspicuous position upon each car load, box, bale or package so sent out or delivered.

1898, ch. 289.

**59.** Should any nurseryman, agent, broker, dealer or other person send out or deliver within the State, or transport to any other State or territory or the District of Columbia, trees, vines, shrubs, plants, buds or cuttings, subject to the attacks of insects and diseases above provided for, without attaching a copy of said certificate, deface or destroy said certificate, or wrongfully attach a certificate, he shall be adjudged guilty of a misdemeanor, and shall upon conviction before any justice of the peace, be fined a sum not less than ten dollars (\$10) or more than one hundred dollars (\$100) and costs of prosecution for each and every offense, and stand committed until such fine and costs are paid, and the fines so collected shall be paid to the trustees of the said college

and be added to the funds herein provided for carrying out the provisions of this sub-title.

1898, ch. 289.

**59 A.** All trees, plants, vines, shrubs, buds or cuttings, commonly known as nursery stock, grown or handled by each and every nurseryman within this State, and subject to the attacks of the aforesaid insects or diseases, shall be fumigated by the nurseryman owning the same, with hydrocyanic acid gas in buildings or enclosures inspected and approved by the aforesaid State officers under their direction.

Ibid.

**60.** When any trees, plants, shrubs, vines, buds or cuttings commonly known as nursery stock are shipped into this State from any other State or territory, or the District of Columbia to any nurseryman, broker, dealer, agent or other person in this State, every carload, bale, box or package thereof shall be plainly labeled on the outside with the name of the consignor, the name of the consignee, and a certificate showing that the contents have been inspected by a qualified State or government officer, and that the trees, plants, vines, shrubs or cuttings therein contained are apparently free from the insects and diseases herein provided for. Whenever any trees, plants, vines, shrubs, buds or cuttings are shipped into this State from any other State or territory, or the District of Columbia, without such certificate plainly fixed on the outside of each carload, box, bale or package, the agent of the transportation company, firm or person receiving same shall not deliver said nursery stock to the consignee or agent representing the consignor, and said agent of the transportation company, firm or person, shall notify the State entomologist or State pathologist at the Maryland Agricultural College, and said State officer receiving such notification shall immediately notify any justice of the peace of this State to issue a summons for the consignee, and the agent or consignor, if he be known, of such carload, bale, box or package of nursery stock, to appear before him on a certain day to be named therein, to show why such trees, plants, vines, shrubs, buds or cuttings should not be seized as being in violation of the provisions of this sub-title, and on trial thereof, if said justice be satisfied that the provisions of

this sub-title have been violated, said justice shall order said agent or consignee to return such carload, box, bale or package of trees, plants, shrubs, vines, buds or cuttings immediately to the shipper or consignor, unless said consignee or agent of the consignor at his expense, shall forthwith have said nursery stock examined by the State entomologist and the State pathologist of this State, and said officers certify to such justice of the peace that said nursery stock is apparently free from the insects and diseases mentioned herein, and tag every such carload, box, bale and package inspected by said officers, with their certificate of inspection, and if said agent or consignee shall fail to have said nursery stock examined by said State officials, or fail to return such carload, box, bale or package thereof, then said justice of the peace shall order and direct the constable or sheriff to burn and destroy all such trees, plants, shrubs, vines, buds or cuttings that have been shipped into this State in violation of this sub-title.

1898, ch. 289.

61. Whenever any agent of a transportation company, firm or person shall receive a carload, box, bale or package of trees, plants, shrubs, vines, buds or cuttings, without a certificate attached, as provided for in section 60 of this sub-title, and shall fail to notify the State entomologist or State pathologist of this fact immediately upon the arrival of such nursery stock, and before delivering the same to the consignee, said agent of the transportation company, firm or person shall be adjudged guilty of a misdemeanor, and shall upon conviction before a justice of the peace, be fined a sum not less than ten dollars (\$10) nor more than one hundred dollars (\$100) and costs of prosecution for each and every offense, and stand committed until such fine and costs are paid; and the fines so collected shall be paid to the trustees of said college to be added to the funds herein provided for carrying out the provisions of this sub-title. If any nurseryman, dealer or agent sell, ship or deliver any trees, plants, shrubs or vines into or in this State, which are infected with San Jose scale, peach-yellow, pear-blight or other injurious diseases, and upon examination by the State pathologist, State entomologist or their assistants, are condemned by being so infected, the said trees, plants, vines and shrubs shall be destroyed, and the nurseryman,

dealer, or agent shall forfeit the value of such stock, and shall not collect the same from the purchaser or consignee.

1898, ch. 289.

**62.** The State entomologist, State pathologist and State horticulturist, shall submit annually a written report on or before the first day of February of their inspections and investigations to the board of trustees, which shall be transmitted to the Governor of the State and the General Assembly, and published, as are the reports of other State organizations, and distributed among the people of the State as bulletins of the Maryland Agricultural Experiment Station.

Ibid.

**63.** The report of the present State entomologist, including the work done by him up to the date of the passage of this sub-title shall be published and distributed as indicated and provided for in section 62, as the first annual report of the Maryland State entomologist.

Ibid.

**64.** The sum of ten thousand dollars the first year, and eight thousand dollars annually thereafter is hereby appropriated in order to carry out the provisions of this sub-title and properly provide for the above described inspections; to employ men qualified for their respective positions; to procure the requisite facilities and equipment necessary for the proper performance of the duties herein imposed, and to offer means of support for investigation in addition to the inspection work of the State officers, and the dissemination of information that will promote the horticultural and agricultural interests of this State.

Ibid.

**65.** The comptroller is hereby authorized to issue his warrant upon the treasurer of the State for the said sum of ten thousand dollars for the year eighteen hundred and ninety-eight, and the sum of eight thousand dollars annually thereafter, out of any funds not otherwise appropriated; said sum of money shall be payable to the Maryland Agricultural College on or before the first of October of each fiscal year, and the first yearly payment

shall be made during the fiscal year ending September first, eighteen hundred and ninety-eight.

**Tree and Fruit Inspectors.—The Yellows.**

1892, ch. 639.

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**66.** It shall be unlawful for any person to keep, or allow to be and remain on his lands or premises, in the State of Maryland, any peach, almond, apricot or nectarine tree infected with the contagious disease known as the yellows, or to offer for sale, or shipment, or to sell or ship to others any such trees, or the fruit thereof in any form; and any person convicted before any justice of the peace of selling or shipping said trees or the fruit thereof in any form, knowing the same to be so diseased, shall be fined a sum not exceeding ten dollars and costs, and upon failure to pay the same shall be confined in the county jail for a term not exceeding thirty days; provided, the provisions of this sub-title shall not apply to Washington county.

Ibid.

**67.** The trees and fruit so infected shall be subject to destruction as public nuisance, as hereinafter provided; and no damages shall be awarded in any court of this State, or by any justice of the peace thereof, against any person or persons for entering upon lands or premises and destroying such diseased trees and fruit if done in accordance with the provisions of this sub-title; and it shall be the duty of every person as soon as he becomes aware of the existence of such disease in any tree or fruit owned by him to forthwith destroy by burning the same, or cause it to be destroyed by burning.

Ibid.

**68.** It shall be the duty of the county commissioners of the various counties, on the application of three or more citizens of said county, to appoint each year three competent peach growers for each election district of the several counties, or for such of said election districts as said commissioners may deem fit, to act as "Tree and Fruit Inspectors," who shall hold said office during the year following their appointment, or during the pleasure of said county commissioners.

1892, ch. 689.

**69.** It shall be the duty of said "Tree and Fruit Inspectors" immediately after their appointment to give notice thereof in such newspapers of their county as they may select; and it shall be their duty whenever it comes to their notice that the disease known as the "yellows" exists in any trees or fruit in their respective districts to proceed forthwith to examine or cause to be examined the trees or fruit supposed to be infected, and if the disease is found after such examination to exist, a distinguishing mark shall be placed upon said diseased trees by said "Tree and Fruit Inspectors," or by some one directed by them, and the owner thereof notified personally or by a written notice left at his usual place of residence, or by leaving the notice with the person in charge of the trees or fruit, or in whose possession the same may be, said notice to contain a simple statement of the facts as found to exist, with an order to effectually remove and destroy by fire the tree so marked within fifteen days from the date of the service of said notice, and in case of fruit so infected, such notice shall require the person in whose possession or control it is found to immediately destroy the same or cause it to be destroyed by fire.

Ibid.

**70.** Whenever any person shall refuse or neglect to comply with the order to destroy the trees or fruit so ordered to be destroyed, it shall be the duty of said "Tree and Fruit Inspectors" to lodge a complaint before one of the justices of the peace of the county, who shall forthwith summon the owner, or other person so neglecting or refusing, and upon being satisfied, after an examination into the facts, of the existence of the said disease in the trees or fruit as charged by said "Tree and Fruit Inspectors," it shall be the duty of said justice of the peace to forthwith issue an order to said "Tree and Fruit Inspectors," or one of them, or to a constable of said county, to destroy said trees or fruit; and for the purpose of destroying the same it shall be lawful for said "Tree and Fruit Inspectors" or constable to enter upon any premises in said county, and seize said diseased trees or fruit wherever found, and have the same destroyed by fire.

1892, ch. 639.

**71.** It shall be the duty of said justice of the peace, in passing the order, as provided in the preceding section, to fix such fine and penalty as he may see fit, not exceeding the sum of ten dollars for each offense, and all costs incident to and attending such proceeding, and upon failure to pay said fine and costs, to commit said person to the county jail for a term not exceeding thirty days.

*Ibid.*

**72.** "Yellows" is hereby declared to be a contagious disease affecting the constitution and vital growth of the tree, and manifested by the following symptoms or one of them: 1st, a premature ripening of the fruit, which is flavorless, and with the color thereof not solid, but mottled or variegated; 2d, wiry growth of shoots from the trunk or branches of the tree.

*Ibid.*

**73.** Said "Tree and Fruit Inspectors," together or any two or one of them may discharge the duties imposed by this sub-title, and they shall receive for each day of actual service a per diem of \$2.00 and in the same ratio for a fraction of a day, to be paid by the county commissioners of the county, as well as such other charges and expense as they shall be put to in the discharge of the duties of this sub-title, which shall be paid by the county commissioners; all expenses, however, arising out of the failure or refusal of the owner or occupant of any lands or premises to obey the order of the "Tree and Fruit Inspectors," and that they shall be put to in the removal and destruction of any tree or fruit, shall be and constitute a lien and charge on the lands and premises where said trees and fruit were found, recoverable by the county commissioners of the county for county purposes through the agency of the tax collector as taxes are collected.

*Ibid.*

**74.** If any person shall in anywise interfere with or hinder and impede said "Tree and Fruit Inspectors," or any of them, their agents or workmen, or the constable and his assistants in the performance of their duties, under this sub-title, such persons shall be guilty of a misdemeanor and shall be punished by fine

not exceeding \$100, or by imprisonment in the county jail for not exceeding three months, or by both fine and imprisonment.

**Protection of Workingmen and Others Against Unsafe Scaffolding.**

1894, ch. 158.

**75.** Whenever complaint is made to the commissioner of police or to the marshal, or other persons in charge of the police force of any city or town in this State, that the scaffolding used in the construction, altering, repairing or painting of any building within the limits of such city or town, is unsafe and dangerous to the life and limb of any person, it shall be the duty of such police commissioners, marshal of police, or other persons in charge of the police force, to immediately detail a competent police officer to inspect such scaffolding forthwith, with instructions to prohibit the further use of such scaffolding, and if after proper examination he find the complaint well founded, to require that it be altered or reconstructed in such manner as to render it no longer dangerous to life or limb. It shall be the duty of the officer making the examination to attach a notice to such scaffolding, stating that he has made such examination, and that he has found it safe or unsafe, as the case may be. If he declares it to be unsafe, he shall at once, in writing, notify the person or persons responsible for its erection, of the fact, and warn them against using it, or permitting or suffering any person or persons to use it, and such notice may be served upon the responsible person or persons, or by conspicuously affixing it to the scaffold declared to be unsafe; after such notice is served or affixed, it shall be the duty of the persons responsible therefor, to immediately remove such scaffolding, or to alter or strengthen it in such a manner as to render it safe, in the discretion of the officer who has condemned it, or of his superiors.

Ibid.

**76.** It shall be the duty of the police commissioners, marshal of police, or other persons in charge of the police force of any city or town of this State, when complaint is made to them, or any of them, that the slings, hangers, blocks, pulleys, stays, braces, irons or ropes of any swinging or stationary scaffolding used in the painting, cleaning or pointing of any building within

the limits of such city or town are unsafe or liable to prove dangerous to the life or limb of any person, to detail a competent police officer to examine, and, if necessary, test the same; immediately after making such examination or test, he shall attach thereto a certificate stating that he has made such examination or test and that he has found such slings, hangers, irons or ropes, or any of them, safe or unsafe, as the case may be; if he declares unsafe the whole or any portion of such swinging or stationary scaffolding, he shall at once, in writing, notify the person or persons responsible for the same of the fact, and warn them against using or suffering or permitting any person or persons to use them, and such notice may be served upon the person or persons responsible, or by conspicuously affixing it to the condemned or defective article; after such notice is served or affixed, it shall be the duty of the responsible person or persons to remove or cause to be removed the scaffolding, or that part of it which has been condemned, or to alter and strengthen it in such manner as to render it safe, in the discretion of the officer who has tested or examined it, or his superiors.

1894, ch. 158.

**77.** All swinging and stationary scaffolding shall be so constructed as to bear three times the maximum weight required to be dependent from or placed thereon when in use; and not more than one man shall be allowed on a given scaffold to each tackle, and each man shall be provided with a life line sufficiently strong to bear twice his weight, secured independently of the other scaffolding.

Ibid.

**78.** Any officer detailed to examine or test any scaffolding or portion thereof, as required by sections 75 and 76, shall have free and unobstructed access at all reasonable hours to any building or premises containing them or where they may be in use.

Ibid.

**79.** Any person who violates or omits to comply with any of the four preceding sections, or who suffers or permits the use of any article or scaffolding declared by a proper officer to be defective, or who destroys or defaces any notice posted in accordance with any of the said provisions, or who hinders or obstructs any officers who may be detailed to enforce said provisions, shall be deemed guilty of a misdemeanor, and on conviction in a court of competent jurisdiction, be fined not less than twenty-five nor more than one hundred dollars.

## ARTICLE LI.

## JURIES.

**Qualification and Selection of Jurors.**

8. Drawing and summons. Special provisions for Baltimore, Fred-

erick, Montgomery and Carroll counties.

10. Grand jury and petit jury. Prince George's county excepted.

**Qualification and Selection of Jurors.**

1890, ch. 533. 1894, ch. 299. 1896, ch. 155,\* 1898, ch. 376.

8. When said list of names selected as directed in the preceding section is made and certified as therein provided for, immediately thereupon the said judges of the said respective courts in the presence of the members of the bar as aforesaid, and such other persons as may think proper to be present, shall cause all the names selected and placed on the list as aforesaid, to be legibly written upon ballots, which shall be of equal size and of the same color and appearance, and shall be closely rolled or folded, and in each of the counties except Baltimore, Frederick, Montgomery and Carroll counties, placed by the said judges with their own hands, before the drawings herein provided for, into a cubiform box with a sliding top, of the square of eight inches, to be procured for that purpose by the clerk of said court, under the direction of the said judges; and after so depositing said ballots, the said box shall be closed, and the said judges shall then cause the clerk or one of his deputies, whom the said judges shall designate, (neither the one nor the other who may be so required to act, to be present at the writing, rolling or folding and depositing said ballots into the box as herein directed,) to appear before them, and then and there, in the presence of the said judges and such other persons as may choose to be present, after well and thoroughly shaking said box so that the ballots be well mixed, to draw from said box through such opening made by removing the sliding top thereof as will only conveniently admit the hand and without in any manner looking into said box, one by one forty-eight of said ballots and the names appearing on said ballots as drawn shall be duly recorded by said judges or by the clerk in their presence and under their direction, in the order in which they shall be drawn.

In Baltimore county a box shall be procured as aforesaid, of the form aforesaid and of sufficient size, and said box shall be divided into fifteen compartments, which shall be numbered to correspond with the districts of the said county, and the names of the persons selected as aforesaid shall be placed by the said judges in the said compartments of the said box, respectively, which bear the numbers of the district where the persons so selected, respectively reside, and there shall be then drawn, in the manner hereinbefore provided for the other counties, five names from compartment number one, three from number two, five from number three, three from number four, two from number five, three from number six, three from number seven, five from number eight, six from number nine, two from number ten, three from number eleven, two from number twelve, two from number thirteen, two from number fourteen and two from number fifteen.

- \* In Frederick county, there shall be procured by the clerk of the circuit court, a jury box of convenient size, which shall be divided into as many compartments as there may from time to time be election districts in said county, and which compartments shall be numbered to correspond with the districts of the county, and the names of the persons selected by the judges of the circuit court for said county, in the manner prescribed in this article, shall be placed by said judges in said compartments of said box, respectively, which bear the numbers of the districts where the persons so selected, respectively reside; and it shall be the duty of said judges, when selecting the panel of two hundred persons, as provided for in section seven of this article, to select twenty-five of said names from election district number two, and the remaining one hundred and seventy five names from the remaining election districts of the county equally as nearly as possible, and there shall then be drawn in the manner provided in this article for the other counties, nine names from compartment number two, and the other thirty-nine names necessary to make up the full number of forty-eight, shall then be drawn from the remaining compartments, so that at least one, and not more than two names shall be drawn from each of said other compartments,

the said judges designating from which of said compartments, but one name shall be drawn ; provided, that in drawing the jurors for the December term of the circuit court for said county, the twenty-five names required, shall be taken from those remaining in the box, after the drawing of the preceding August term, five to be drawn from the compartment number two, and one from each of the other compartments, so long as there are twenty-one election districts in said county, and whenever the number of election districts in said county shall exceed twenty-one, then five names shall be drawn from said compartment number two, and the remaining twenty shall be made up by drawing one from each of twenty other districts, to be designated by said judges ; and no name which may be so drawn to serve as a regular juror in Frederick County at any term of court, shall be replaced in said box for the period of two years thereafter.

In Montgomery county, a box, of the form aforesaid, shall be procured, as aforesaid, and of convenient size, and said box shall be divided into as many compartments as there may be election districts in said county, which shall be numbered to correspond with the election districts in said county, and the names of the persons selected as aforesaid shall be placed by the said judges in the said compartments of said box, respectively, which bear the numbers of election districts where the persons so selected respectively reside, and there shall then be drawn in the manner hereinbefore provided for the other counties, three names from compartment number one, three from number two, four from number three, six from number four, four from number five, three from number six, three from number seven, four from number eight, four from number nine, three from number ten, three from number eleven, three from number twelve and five from number thirteen.

In Carroll county, a box, of the form aforesaid, shall be procured as aforesaid, and of convenient size, and said box shall be divided into as many compartments as there may be election districts in said county, which shall be numbered, respectively, to correspond with the election districts in said county, and the names of the persons selected, as aforesaid, shall be placed by

the said judges in the said compartments of the said box, respectively, which bear the numbers of the district where persons so selected, respectively reside; and it shall be the duty of the judges of the circuit court for Carroll county, when selecting the panel of two hundred persons, as provided for in the preceding section of this article, to select sixteen of said names from election district number one, sixteen from the second election district, twelve from the third election district, nineteen from the fourth election district, twenty-three from the fifth election district, twenty-two from the sixth election district, thirty-six from the seventh election district, thirteen from the eighth election district, eight from the ninth election district, eight from the tenth election district, twelve from the eleventh election district, eight from the twelfth election district, and seven from the thirteenth district; and there shall then be drawn in the manner hereinbefore provided for the other counties, four names from compartment number one, four from number two, three from number three, four from number four, five from number five, five from number six, nine from number seven, three from number eight, two from number nine, two from number ten, three from number eleven, two from number twelve, and two from number thirteen; provided, that in drawing the jurors for the February term of the circuit court for said county, the twenty-five names required shall be taken from those remaining in the box after the drawing for the preceding November term, two to be drawn from compartment number one, two from number two, two from number three, two from number four, two from number five, three from number six, four from number seven, two from number eight, one from number nine, one from number ten, two from number eleven, one from number twelve and one from number thirteen; if from any cause the number of names remaining in said compartments after the drawing for the November term of said court be less than one hundred in the aggregate, then in that event the judge or judges of said court shall, before the drawing for the February term of said court, place in said compartment in proper proportion a sufficient number of names as aforesaid to make the aggregate number one hundred.

And the said names so drawn in Baltimore, Frederick, Montgomery and Carroll counties shall be recorded, as hereinbefore directed [for the other counties, and thereupon the said judges shall forthwith order a *venire facias*, directed to the sheriffs of said counties, respectively, commanding them to summon as jurors to attend at the next ensuing term of said courts, the several persons whose names may be drawn, as aforesaid; if any such persons whose names are so drawn and embraced in said *venire facias* should be dead, sick, or otherwise unable to attend, or should be absent, and therefore not be found, it shall be the duty of said sheriff forthwith to return the fact of such death, disability or absence, and the said judges shall thereupon cause to be drawn from said box, in the manner hereinbefore directed, other names in the place and stead of the original who may be dead, disabled or absent, and shall cause the name or names of such person or persons so as last aforesaid drawn, to be inserted in said *venire facias* to be summoned as aforesaid; and it shall be the duty of the sheriff to summon the person named in said *venire facias* and make return thereof to the said court at the opening of its session; this section shall not apply to Prince George's county, nor to Dorchester, Wicomico or other counties, as to which special provision is made by the local law thereof.

Mills v. State, 76 Md. 280.

1890, ch. 62. 1892, ch. 153.

10. Of the forty-eight jurors drawn and summoned, the court at the beginning of the term for which they were drawn and summoned shall select and appoint one as foreman of the grand jury and shall direct the clerk of said court to legibly write upon ballots, the names of the remaining forty-seven jurors, and after carefully folding said ballots separately, to place them in a box with a sliding top and said clerk shall draw said ballots therefrom one at a time, without looking into said box, and the first twenty-two names drawn, with the foreman previously appointed shall constitute the grand jury, and the remaining twenty five names shall constitute the petit jury for said term of court; whenever a vacancy shall occur in the position of foreman of the grand jury, either temporary or permanent, by death,

absence, sickness or any other cause, the court shall have power to appoint some other member of the grand jury, foreman as often as the necessity for such appointment shall occur. If for any reason any person or persons drawn as a grand juror or grand jurors shall fail to attend and be present at the conclusion of the drawing or be disqualified or excused for cause, the court shall forthwith proceed to fill such vacancy or vacancies from the aforesaid remaining number of twenty five names of those who are present in the order in which the names were drawn from the box, and may thereupon in its discretion fill such vacancy or vacancies thus made in the petit jury by drawing the necessary number of additional names therefor in manner provided by section eight of this article. This section not to apply to Prince George's county, except so far as it authorizes the court to appoint a foreman of the grand jury when the necessity for such appointment occurs.

## ARTICLE LII.

### JUSTICES OF THE PEACE.

#### Civil Jurisdiction.

6. To what cases it extends.
9. Extends to cases where administrators are parties. Proviso.

#### Criminal Jurisdiction.

- 11 A. Additional jurisdiction of justices in the State of Maryland in certain criminal cases. Exceptions.

#### Judgments.

37. Record.

#### Supersedeas and Execution.

52. When execution upon judgment shall not issue. Form of confession. This provision not applicable to Baltimore city.

#### Civil Jurisdiction.

1898, ch. 167.

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Ch. 302.
6. The civil jurisdiction of justices of the peace extends to all cases for the enforcement of contracts, and to obtain redress for wrongs where the debt or damages claimed shall not exceed two

hundred dollars; to all suits on bonds, with penalty exceeding two hundred dollars, where the sum due and claimed does not exceed two hundred dollars; to actions of replevin, where the value of the thing in controversy does not exceed two hundred dollars, and which value shall be ascertained by appraisers summoned and sworn by the sheriff, or the officer to whom the writ of replevin is directed; and to all cases of attachment against non-resident or absconding debtors, where the sum claimed does not exceed two hundred dollars; and also to all cases of attachment in any of the cases mentioned in section 35 of article 9 where the sum claimed shall not exceed two hundred dollars.

Weed v. Lewis, 80 Md. 128.

1892, ch. 619.

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9. The jurisdiction of justices of the peace extends to cases where administrators are parties plaintiffs or defendants except that no administrator shall be sued before a justice within twelve months from the date of his letters; provided, that in the city of Baltimore the said suits may be brought within three months from the date of such letters.

#### **Criminal Jurisdiction.**

1890, ch. 618. 1892, ch. 485. 1894, ch. 338. 1896, ch. 128.

11 A. The several justices of the peace of the State of Maryland (except in the city of Baltimore, and in Talbot, Harford, Montgomery and Frederick counties), shall have, in addition to the jurisdiction which they now possess, and which may be conferred on them by or under the laws of this State, jurisdiction concurrent with that exercised by the circuit courts for the several counties of this State, in all cases of assault without any felonious intent; and in all cases of assault and battery, and in all cases of petty larceny when the value of the property stolen does not exceed the sum of five dollars, and in misdemeanors not punishable by confinement in the penitentiary, which may be committed within their respective jurisdiction; and shall have jurisdiction in all prosecutions or proceedings for recovery of any penalty for doing or omitting to do any act, the doing of which or the omission to do which is made punishable under the law of this State, within their said jurisdiction by any pecuniary fine or penalty, or by imprisonment in jail or in the Maryland

house of correction, all of which acts or omissions are hereby declared to be criminal offenses; and the said justice shall have power to issue all processes, and to do all acts which may be necessary to the exercise of their said jurisdiction; may try and determine all cases whereof they may have jurisdiction, and may pronounce judgment and sentence therein, in the same manner and to the same extent as the circuit courts for said counties could, in such cases, if said cases were tried before said circuit courts without the investigation of a jury; provided, however, that if any person when brought before any such justice having jurisdiction of the case, shall before trial for the alleged offense pray a jury trial, or if the State's attorney for said county shall before the trial of such alleged offense pray a jury trial on the part of the State, it shall be the duty of any such justice to commit such alleged offender for trial in the circuit court for the county in which the offense which was committed at its then session, if it be then in session, or at the next session, if it be not then in session, and to return said commitment or recognizance, with the name and residence of the witnesses for the prosecution endorsed thereon, forthwith to the clerk of said court, and the justice before whom the case is tried shall inform the person charged of his right to a jury trial, and on receiving recognizance sent up by the justice, the clerk shall place the same on the appeal docket, and issue subpoenas for the witnesses named by the justice, and the case shall be tried on the information or the warrant, as if on appeal, and if on waiver of jury trial before the justice, and trial before him, either party shall feel aggrieved, there shall be a right of appeal to the circuit court for the county in which the alleged offense is charged to have been committed. In case the judgment of the justice of the peace is against the accused and he shall appeal, he shall enter into recognizance, with security to be approved by the justice of the peace; and in every such case the appeal shall be taken within ten days after judgment entered.

#### **Judgments.**

1890, ch. 402.

**37.** The said clerk shall record the said judgment forthwith, and shall endorse thereon the time and place of its record, and

may then deliver the same to the plaintiff, and the clerk shall have said judgments properly indexed; said judgments shall be liens from the date of such recording; the said clerk shall enter any of said judgments satisfied upon the order in writing of the plaintiff or his attorney, and shall file such order in his office.

### **Supersedeas and Execution.**

1896, ch. 207.

**52.** No execution shall issue upon any judgment or decree obtained in any circuit court for any county of this State, provided the defendant therein shall come before a justice of the peace of the county where such judgment or decree was rendered within two months after the rendition of such judgment or decree, and, together with two other persons, such as the said justice shall approve of, confess judgment for his debt and costs of suit, adjudged or decreed, with stay of execution for six months thereafter, which confession shall be made in manner and form following—that is to say: “You, ———, do confess judgment to ———, for the sum of ——— and costs, which were recovered by the said ———, against ———, on the ——— day of ———, in the ——— court; the said ——— to be levied of your goods and chattels, lands or tenements, for the use of the said ———, in case the said ——— shall not pay and satisfy to the said ———, the said ——— so as aforesaid recovered against him, with the additional costs thereon, on the ——— day of ——— next,” which confession shall be signed by the justice before whom the same is made, and forthwith returned to the clerk of the court in which the judgment or decree was rendered, who shall record the same; if the judgment was rendered in the Court of Appeals the confession aforesaid may be made before a justice of the peace in the county where the defendant resides; provided, however, that no such confession of judgment shall operate as a supersedeas of or delay the issuing of an execution upon any judgment or decree rendered by any of the circuit courts or the Court of Appeals of this State, unless the same be approved, both as to form and the sufficiency of the security by the clerk of the court where the judgment or decree intended to be superseded was rendered. This section shall not apply to the city of Baltimore; and it shall not be lawful for the justices of the

peace in said city to take supersedeas of any judgment recovered in the Court of Common Pleas, the Superior Court of Baltimore city or the Baltimore City Court, but such supersedeas shall be taken by the clerks of said courts respectively.

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## ARTICLE LIII.

### LANDLORD AND TENANT.

#### **Tenants Holding Over.**

4. Judgment; appeal; appeal bond.  
27. Tenant's right to remove fixtures  
erected by himself shall not

be impaired by new lease.  
Effect of covenant to surrender  
premises in good repair.

#### **Tenants Holding Over.**

1890, ch. 626.

4. If upon hearing the said parties, or in case the tenant or person in possession shall neglect to appear after the summons and continuance as aforesaid proof thereof being made, it shall appear to the justice and be by him so found that the said lessor had been in possession of the said premises so leased or demised, that the said lease or estate is fully ended and expired, that due notice to quit as aforesaid had been given to said tenant or person in possession, and that he had refused so to do, the justice shall thereupon give judgment for the restitution of the possession of said premises, and shall forthwith issue his warrant to the sheriff commanding him forthwith to deliver to the lessor, his heirs, executors, administrators or assigns, possession thereof in as full and ample manner as the lessor was possessed of the same at the time when the leasing or letting was made, and shall give judgment for costs against the tenant or person in possession so holding over; any tenant who shall feel himself aggrieved by such judgment of said justice shall have the right of appeal therefrom to the circuit court for the county, or the Baltimore city court, upon giving notice of his desire so to appeal within ten days from the rendition of said judgment; and if said defendant shall file with said justice, to be by him transmitted with the papers in

said case to said court, an affidavit made by the person so appealing before said justice, or before some officer empowered by law to take acknowledgments of deeds, that said appeal is not taken for delay, and also a good and sufficient bond with one or more securities, conditioned that he will prosecute said appeal with effect and well and truly pay all rent in arrear and all costs in said case before the justice of the peace and in the appellate court, and all loss or damage which the landlord or lessor, his heirs, personal representatives or assigns may suffer by reason of said tenants holding over, including the value of said premises during the time he shall so hold over, then the tenant or person in possession of said premises may retain possession thereof until the determination of said appeal; and in case the judgment of said justice shall be affirmed, a warrant as aforesaid shall be issued to the sheriff by the court so determining the same, who shall proceed forthwith to execute the same; if the judgment of the justice shall be against the lessor he shall have the right of appeal at any time within ten days after said judgment shall have been rendered, and the court to which such appeal is taken shall review said cause and render such judgment as the justice ought to have rendered; and if the judgment of said court shall be in favor of the lessor, it shall issue a warrant to the sheriff for the restitution of the possession of said premises as hereinbefore provided; in case of appeal under this section the papers in the case shall be immediately transmitted by the justice to the appellate court.

Clark v. Vannort, 78 Md. 220. Hopkins v. Holland, 84 Md. 93.

1898, ch. 92.

**27.** The right of a tenant to remove fixtures erected by him under one demise or term shall not be lost or in any manner impaired by reason of his acceptance of a new lease of the same premises without any intermediate surrender of possession.

1896, ch. 19.

**28.** A covenant or promise by the lessee to leave, restore, surrender or yield up the premises in good repair, shall not have the effect to bind him to erect similar buildings or pay for such buildings as may be destroyed by fire or otherwise without negligence or fault on his part, unless otherwise expressly provided by written agreement or covenant that he shall be so bound.

## ARTICLE LIV.

## LAND OFFICE.

**Commissioner—Powers and Duties.**

11. Monies due the State on account of public lands, how payable.
14. Extracts of deeds transferred from clerks of courts to be filed and bound. Appropriation therefor. Such extracts to be indexed. Comptroller's warrants therefor.
16. Appropriation of one thousand dollars annually for such costs.
24. Warrant for taking up vacant or escheated land.
26. Warrants—common; special; proclamation; cost of such.

30. Surveyor's return to land office. Patent to be issued.

32. Warrant to be executed within six months. No renewal of escheat warrant after six months.

33. Payment for vacant or escheat land.

33 A. Amount due the State to be a lien upon the land surveyed. Proceedings to enforce such lien.

36. Certificate of survey to be returned within six months.

**Commissioner—Powers and Duties.**

1894, ch. 191.

1900  
ch 318 11. All moneys payable to the State on account of the public lands shall be paid to the commissioner of the land office, whose receipt therefor shall be a good acquittance to the party paying the same, and the said commissioner shall keep an accurate account of all such payments in a book kept for the purpose, and shall account semi-annually, on the thirty-first day of March and the thirtieth day of September, with the comptroller, on oath, and pay over to the treasurer all such moneys so received.

Ibid.

14. He shall receive and carefully file among the records of his office all extracts of deeds transferred to him by the clerk of the Court of Appeals, under said act of eighteen hundred and seventy-four, chapter sixty-six, and all such as shall be transmitted to him by the clerks of the circuit courts for the counties and the clerk of the Superior court of Baltimore city, and when he shall receive a sufficient number of such extracts from the same county to form a record book of the proper size, he shall cause

the same to be well and substantially bound in leather and placed among the records of his office; and the comptroller of the treasury is hereby directed to issue his warrant for such sum or sums of money as from time to time may be necessary for the cost of such binding and for the purchase of index books, and for the repair and rebinding of other record books in the land office, upon a certificate of the correctness of the same given by the commissioner of the land office, and the sum of one thousand dollars, or so much thereof as may be necessary, is hereby appropriated annually for said purposes.

1894, ch. 191.

15. He is authorized and empowered to continue the indexing of certain land records and extracts of deeds which were transferred to the land office from the Court of Appeals under said act of 1874, chapter 66, and such extracts of deeds as shall be received by him from the clerks of the circuit courts for the counties and the clerk of the Superior Court of Baltimore city, for which said service there shall be allowed and paid the same rates allowed by law to the clerks of the circuit courts for similar services; and the comptroller of the treasury is directed to issue his warrants for such sum or sums as may from time to time be necessary to meet the cost of such indexing, upon the certificate of the correctness of the same given by the commissioner of the land office. 1900 ch 319

1892, ch. 282.

16. The comptroller of the treasury is directed to issue his warrant for such sums as are now necessary and may from time to time hereafter become necessary to meet the cost of making index books and binding extracts of deeds authorized to be made and continued by the preceding section, upon the certificate of the correctness of the same given by the commissioner of the land office, and the sum of one thousand dollars or so much thereof as shall be necessary, is hereby appropriated annually for for such purpose.

1894, ch. 191.

24. Any person desiring to take up vacant land or lands which have escheated shall obtain a warrant from the commissioner of

the land office directed to the surveyor of the county where the land lies, requiring him to survey the same and return a certificate of survey to the land office within six months from the date of the warrant, and such warrant may be in the form theretofore used in the land office, and may be either a common warrant, a special warrant, a warrant of resurvey, proclamation warrant, or an escheat warrant whichever may be suited to the case of the party applying for the same.

1894, ch. 191.

**26.** Any person may obtain a common warrant, special warrant or proclamation warrant by applying to the commissioner of the land office, and paying him the sum of twenty-five cents for each acre mentioned in such warrant.

Ibid.

**30.** The surveyor shall return to the land office within six months from the date of such warrant, a certificate of survey and plot, together with the depositions relating to the possession and occupancy of the lands resurveyed and proof of the notice by publication or otherwise given to the owners or occupiers of the adjacent lands, and upon return of such certificate and proofs, if no caveat or objection be made within six months after such return, the commissioner of the land office shall issue a patent thereon to the person or his heirs, or assigns, who obtained such warrant of re survey.

Ibid.

**32.** Every warrant issued out of the land office shall be executed within six months from the date thereof, and no escheat warrant shall be renewed after six months from its date.

Ibid.

**33.** Every person who has obtained a warrant to survey or escheat land shall within one year from the date of such warrant, pay for the vacant land included in the certificate of survey—fifty cents per acre, and shall in addition pay the value of any improvements there may be on such vacant land, but there shall be deducted from the purchase money aforesaid the sum which the party paid as caution upon obtaining the warrant, and for land which has escheated two-thirds of the real value of the same

and the real value of the improvements thereon ; if any person shall fail to pay within one year, as required by this and the preceding sections, the land may be taken up by any other person under a proclamation warrant or escheat warrant, as the case may be.

1894, ch. 191.

702  
.532. **33 A.** The amounts due the State upon any certificate of survey for fees and for composition or purchase money and the value of improvements are hereby declared to be a lien upon the land surveyed ; and the commissioner of the land office is authorized, in his discretion, whenever the amount involved justifies it, to enforce said lien either by appropriate action in the name of the State in a court of competent jurisdiction, or by a sale of the certificate of survey, which sale shall be conducted in the following manner : He shall first give notice in writing to the party in whose name said certificate was returned or to the assignee thereof, that unless the amount of the fees, composition or purchase money and value of improvements due on said certificate is paid within the time specified in said notice, not less than sixty days from the date thereof, the said certificate will be offered for sale, and if the amount due the State, as aforesaid, is not paid within the time specified in said notice, the commissioner of the land office may sell said certificate at public auction, for cash, after reasonable notice of such sale inserted in some newspaper published in the county where the land lies, the commissioner reserving the right to reject any bid if he deems the price offered inadequate ; and the purchaser of such certificate shall be entitled to a patent thereon upon the payment of the price bid and the fees for patent, in the same manner as an assignee of the certificate would be entitled to patent under the rules of the land office, upon exhibition of the proof of assignment. This section to apply only to those cases in which more than one year has elapsed since the date of the warrant ; and nothing herein contained shall prevent any person from obtaining a proclamation warrant on such certificate as fully as if this section had not been enacted.

Ibid.

**36.** Every certificate of survey shall be returned to the land office within six months from the date of the warrant.

## ARTICLE LV.

## LIBRARIAN—STATE.

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| 10 B. Distribution of Maryland reports.   | 14. May pass rules and regulations.        |
| 13. Library committee to be appointed by Court of Appeals. Its power and authority. | 15. Vacancy in such committee; how filled. |

1890, ch. 519. 1892, ch. 376. 1898, ch. 389.

**10 B.** The librarian shall distribute one copy of each of the volumes of the Maryland reports to the comptroller of the treasury, the treasurer of Maryland and the State tax commissioner; and shall transmit a copy of each of the volumes of the Maryland reports as the same have been or shall hereafter be received to the library of the bar association of the District of Columbia, upon condition that the said bar association of the District of Columbia shall transmit to the State librarian, in Annapolis, the past reports of the District of Columbia and of the Court of Appeals of the District of Columbia and the current volumes of said District of Columbia courts as the same shall hereafter be published.

1892, ch. 420.

**13.** The judges of the Court of Appeals, or a majority of them, are hereby authorized to appoint a committee of three or more persons, to serve without compensation, who shall have the power and authority to purchase from time to time such books, maps and periodicals as they may deem advisable for the use of the State library, and said committee may draw on the treasurer of the State from time to time for such sums of money as may be necessary to pay for said books, maps and periodicals, not to exceed, however, the sum annually appropriated for the augmentation of the State library.

*Ibid.*

**14.** The said committee are hereby authorized to pass such rules and regulations as they may deem necessary and proper for

the conduct and management of said library ; provided, such rules and regulations be not inconsistent with law.

1892, ch. 420.

**15.** And the said judges of the Court of Appeals are hereby authorized to fill any vacancy that may occur in the committee by resignation or otherwise.

## ARTICLE LVI.

### LICENSES.

#### Mode of Issuing—General Provisions.

1. By whom issued; for what period.
6. Arrest of persons doing business without license.

#### Billiards.

8. Billiard table; cost of license therefor. What the term billiard table shall include. Using such tables as gaming tables unlawful.

#### Brokers.

12. Repealed by 1896, chapter 144.
13. Cost of broker's license. Provision not to apply to Baltimore city.
15. Repealed by 1892, chapter 561.
17. Repealed by 1894, ch. 377.
18. Cost of broker's license in the city of Baltimore city.

#### Hawkers and Peddlers.

28. Rates of such license.
34. Reward for apprehension and conviction.
- 34 A. Shipping broker's license.
- 34 B. Penalty for neglect to procure such.

34 c. Only resident voters may procure such license.

34 d. Shipping broker's license; how issued.

34 e. Fee for shipping each man; how paid.

34 f. To whom these provisions are not to apply.

#### Traders.

54 A. Cigarette license.

54 B. Cost of such license—Penalty for neglect to provide such license.

#### Sale of Intoxicating Liquors.

81 A. Clubs selling or dispensing intoxicating liquors must take out license. Exception.

81 B. Penalty for neglect to follow this provision. Exception.

#### Penalties.

86. Sale of liquor to minor. Penalty.

86 A. Gift of liquor to minor. Penalty.

86 B. Penalty for taking out ordinary license without beds, etc., as required.

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| <p>89 A. Clubs may not give, barter or sell spirituous liquors without license. This law not applicable to Baltimore city.</p> <p>89 B. Penalty against minor for obtaining liquors by a false statement of his age.</p> | <p>89 c. Penalty for obtaining liquors for minors.</p> <p>Sub-sec. 89. When a license for selling cigars and non-alcoholic drinks not required.</p> <p><b>Agricultural Fair Associations.</b></p> <p>98 A. Agricultural fair association exempt from license.</p> |
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**Mode of Issuing—General Provisions.**

1890, ch. 813. 1894, ch. 333-

1. All licenses for selling goods and chattels shall be granted by the clerks of the circuit courts for the counties and the clerk of the court of common pleas in the city of Baltimore, except where a different mode is specially provided; and all licenses granted or issued by said clerks shall expire the first day of May next thereafter, except licenses for fisheries and horse racing; and if granted for part of year a ratable sum shall be charged therefor.

1894, ch. 333.

6. It shall be the duty of the sheriff and constables to make diligent inquiry of all persons doing business in this State, and apprehend and take before some justice of the peace all persons found doing business without a license, to be committed or held to bail for appearance at the succeeding term of the circuit court for the county or criminal court of Baltimore, to answer the charge of selling goods without a license.

**Billiards.**

1892, ch. 253.

8. A license may be granted to any person who may apply for permission to keep a billiard table, for which license there shall be paid the sum of fifty dollars, and for every additional billiard table kept by the same person he shall pay a license of twenty-five dollars, provided that all said additional tables shall be kept in the same apartment and the word billiard table shall be construed to include pool tables; and provided further that any person who shall keep a pool or billiard table where a charge is made for playing on the same, but the said charge is returned or is to be returned to the players to be exchanged with the owner

of said table or his agent for money, drinks, cigars or any other articles of merchandise, shall be considered as gambling, and such tables shall be deemed gaming tables for the purposes of this article, and the person so keeping such table shall be liable to the penalty or penalties prescribed by the public general laws for keeping a gaming table or other place of gaming or permitting gambling on his or her premises.

**Brokers.**

1896, ch. 144.

**12. Repealed.**

1890, ch. 477.

**13.** Any person applying for the same and paying the sum of twenty-five dollars may obtain a license for carrying on the business of real estate broker; this section not to apply to Baltimore city.

1892, ch. 561.

**15. Repealed.**

1894, ch. 377.

**17. Repealed.**

State v. Benzinger, 88 Md. 487.

1890, ch. 420. 1892, ch. 561. 1896, ch. 144.

**18.** Any person or partnership applying for the same and paying the sum of \$30.00 may obtain a license for carrying on the business of grain broker, stock broker, coffee broker, cotton broker, sugar broker or merchandise broker, in the city of Baltimore.

**Hawkers and Peddlers.**

1894, ch. 333.

**28.** For every such license there shall be paid the following rates, to wit: For every license to travel on foot, the sum of one hundred dollars; to travel with a horse or other beast of burden and wagon or other vehicle, the sum of one hundred and fifty dollars; with two horses or other beasts of burden and wagon or other vehicle, the sum of two hundred dollars.

1894, ch. 333.

**34.** For every apprehension and conviction of a hawker or peddler, the sheriff, constable or any other person apprehending shall be entitled to receive the sum or ten dollars, to be recovered as part of the costs.

1890, ch. 159. 1892, ch. 627.

**34 A.** Every person who proposes to conduct the business of shipping master or shipping broker in Baltimore city, to ship men as dredgers or employes on vessels engaged in dredging or catching oysters, shall on or before September first in each year take out or procure a license for such business, and shall pay therefor the sum of fifty dollars; and in case any agent, solicitor or runner shall be used or employed, then an additional license of fifty dollars shall be taken out and paid for each agent, solicitor or runner, so used and employed.

*Ibid.*

**34 B.** Any person conducting the business specified in the preceding section or acting as agent, solicitor or runner without having first procured the license as therein required, shall on conviction thereof be subject to a fine of not less than one hundred dollars nor more than five hundred dollars, or shall be imprisoned in jail for not less than six weeks nor more than one year, or to both fine and imprisonment in the discretion of the court.

1890, ch. 159.

**34 c.** No person other than a resident voter of the State of Maryland shall conduct the said business or obtain the license specified in the two preceding sections.

*Ibid.*

**34 d.** The license specified in the three preceding sections shall be issued by the clerk of the court of common pleas in the city of Baltimore as other licenses are issued.

*Ibid.*

**34 e.** The fee or price for shipping each man shall be two dollars, and no more, one dollar thereof to be paid by the captain of the boat whereon the man is to serve, and one dollar to be paid by the man to be shipped.

1890, ch. 159.

**34 F.** Nothing in the five preceding sections shall be so construed as to prohibit or prevent the captain of any oyster dredging boat from shipping his men himself by personal application to them.

#### **Traders.**

1890, ch. 91. 1896, ch. 439.

**54 A.** When any person or corporation intends to sell, at retail, cigarettes made of tobacco in combination with any other substance or material, or covered, wrapped with or contained in any other material than tobacco, he, she or it shall apply to the clerk of the court who is empowered to issue traders' license.

Ibid.

**54 B** Upon such application the said clerk shall demand and receive from said applicant, the sum of ten dollars, before granting said license, and in all cases the said traders shall post the said license in a conspicuous place in his place of business. The failure of any such person or corporation to procure said license shall be a misdemeanor, and upon conviction, such person or corporation shall be fined one hundred dollars; one-fourth of which shall be paid to the informer, and the balance to the State treasurer.

#### **Sale of Intoxicating Liquors.**

1898, ch. 246.

**81 A.** It shall not be lawful for any club, society or association whatever, whether incorporated or not, now in existence or hereafter to be formed, to sell, give, barter or in any way furnish or dispense to its members or any other person or persons any intoxicating liquor except as hereinafter provided; and whenever any such club, society or association desires to sell, barter or in any way furnish or dispense intoxicating liquors, wines or beers to its members, the president or secretary of such club, society or association shall make application for a license to sell spirituous and fermented liquors and lager beer, in the respective cities and counties where such clubs, societies or associations are located in the same manner as is required of retail liquor dealers in such city or county; provided, that no signers, such as are required to attest the character of applicants for retail liquor license, shall

be required on an application for a club license; but such clubs, societies or associations shall file with the application for license a sworn list of the *bona fide* members of such club, society or association, whenever the authorities, who in the respective counties and cities are vested with the power to grant or refuse licenses shall be satisfied that the club making application for license is in fact such legitimate and *bona fide* organization as it purports to be, and that such organization would not be a nuisance to the neighborhood where it proposes to locate, then the said authorities shall grant to the applicant a license, for which the same fee shall be paid as is required by law to be paid in that city or county where the club is located. This section not to apply to Baltimore and Washington counties.

1898, ch. 246.

**81 B.** If any such club, society or association, or officer or agent thereof shall sell, give, barter or in any way furnish or dispense intoxicating liquor or any admixture thereof, to any person, whether a member thereof or not, without a license as herein provided, such officer or agent shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not more than one thousand dollars, or be imprisoned in jail or the house of correction for not more than one year, or both fined and imprisoned in the discretion of the court. This section not to apply to Baltimore and Washington counties.

*81.C-1900 Ch. 446. (Certain amt. to be given money to the state & Baltimore)*

#### Penalties.

1890, ch. 804.

**86.** If any person shall sell or barter any spirituous or fermented liquors or lager beer to any person who is a minor or under twenty-one years of age, or shall sell or barter to any person such spirituous or fermented liquors or lager beer to be drunk by such person who is a minor or under twenty-one years of age, he shall on conviction pay a fine of not less than fifty nor more than two hundred dollars, together with the costs of prosecution, and upon failure to pay the same shall be committed to jail and confined therein until such fine and costs are paid, or for the period of forty days whichever shall first occur.

1890, ch. 304.

**86 A.** If any person having a license to sell spirituous or fermented liquors or lager beer shall give to any person who is a minor or under twenty-one years of age any such spirituous or fermented liquors or lager beer, or having such license shall allow upon the premises occupied by him any such person who is a minor or under twenty-one years of age to drink any such spirituous or fermented liquors or lager beer sold or bartered by him, he shall on conviction pay a fine of not less than fifty nor more than two hundred dollars together with the costs of prosecution, and upon failure to pay the same shall be committed to jail and confined therein until such fine or costs are paid, or for the period of forty days whichever shall first occur; and it shall be the duty of the court before whom said person shall be convicted to suppress the license.

Ibid.

**86 B.** If any person shall take out an ordinary license as herein provided without having the bedding and other accommodations required, he shall on conviction pay a fine of not less than fifty nor more than two hundred dollars together with the costs of prosecution, and upon failure to pay the same shall be committed to jail and confined therein until such fine and costs are paid, or for the period of forty days whichever shall first occur; and it shall be the duty of the court before whom said person shall be convicted to suppress the license.

1890, ch. 282.

**89 A.** It shall not be lawful for any club or for any corporation heretofore formed or hereafter to be formed under the general laws of this State, or under any special law to give, barter or sell spirituous or fermented liquors or lager beer to any members of said club or corporation, or to any other person, without having first taken out an oyster house license therefor; provided, however, that the provisions of this section shall not apply to Baltimore city.

1892, ch. 447.

**89 B.** Any person under the age of twenty-one years who knowingly and wilfully makes any misrepresentation or false

statement as to his age, and by reason of such misrepresentation or false statement obtains any spirituous or fermented liquors from any other persons licensed to sell such spirituous or fermented liquors under the laws of this State, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one dollar nor more than twenty dollars, or imprisoned in jail for not less than five days nor more than thirty days, or both fined and imprisoned in the discretion of the court; provided, that the testimony given by any minor or person under twenty-one years of age in the prosecution of any person for selling liquors to minors under the laws of this State shall not be used against such minor in prosecution under this section.

1892, ch. 447.

**89 c.** Any person who obtains any spirituous or fermented liquors from any other person licensed to sell the same for any minor or person under twenty-one years of age, knowing him to be such, to be drunk by said minor or person under twenty-one years of age, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty dollars nor more than fifty dollars, or imprisoned in jail for not less than thirty days, nor more than ninety days, or both fined and imprisoned in the discretion of the court.

1898, ch. 340.

**89 d.** Any person who shall have taken out a license as provided by this article, or under any other law, general or local, for the sale of goods, wares and merchandise, or for the sale of spirituous or fermented liquors or lager beer, shall be permitted to sell cigars and non-alcoholic drinks without procuring any other license.

#### **Agricultural Fair Associations.**

1894, ch. 427.

**98 a.** Any agricultural fair association duly incorporated under the laws of the State, may hold on its grounds one annual exhibition not exceeding six days, without the payment of any license to the State of Maryland, city or county where held; and any person or persons, association or organized company to whom said agricultural fair association shall grant the privilege to sell,

barter, show, exhibit or in any way conduct any lawful business on the grounds of said agricultural association during any of its exhibitions, shall in the manner and during the time of said exhibitions be exempt from the payment of any State, county or municipal license.

## ARTICLE LVII.

### LIMITATION OF ACTIONS.

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| <p>2. Actions by persons under disability of infancy or insanity; when to be brought after removal of disability.</p> <p>3. Actions upon judgments, bonds or other specialties not to be brought when debt is above twelve years' standing.</p> | <p>6. Actions on sheriffs, coroners or constables' bonds, when to be brought. Saving in favor of infants and persons <i>non compos mentis</i>.</p> <p>6A. No saving in favor of <i>femes covert</i>, parties imprisoned or beyond seas, or out of jurisdiction.</p> |
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1890, ch. 548. 1894, ch. 661.

2. If any person entitled to any of the actions mentioned in the preceding section, shall be at the time such cause of action accrues within the age of one and twenty years, or *non compos* he or she shall be at liberty to bring the said action within the the respective times so limited, after the disability is removed, as other persons having no such disability might or should have done.

Ibid.

3. No bill, testamentary, administration or other bond (except sheriffs and constables' bonds,) judgment, recognizance, statute merchant, or of the staple or other specialty whatsoever, except such as shall be taken for the use of the State, shall be good and pleadable, or admitted in evidence against any person in this State after the principal debtor and creditor have been both dead twelve years, or the debt or thing in action is above twelve years'

standing, saving to all persons who shall be under the aforementioned impediments of infancy or insanity of mind the full benefit of all such bills, bonds, judgments, recognizances, statute merchant, or of the staple or other specialties, for the period of six years after the removal of such disability.

1894, ch. 661.

6. All actions on sheriffs, coroners and constables' bonds shall be brought within five years after the date of such bonds, and not afterwards; but the State may sue on said bonds for her own use at any time; and if any person entitled to suit on a sheriff's coroner's or constable's bond, shall be at the time of the accruing of any cause of action on such bond under the age of twenty-one years, or *non compos mentis*, he or she shall be at liberty to bring his or her action within five years after the removal of such disability.

Ibid.

6 A. The period within which any suit or action may be brought under any statute of limitations in force in this State, shall not be extended because the plaintiff in such suit or action was, is or shall be a *feme covert*, imprisoned, or beyond the seas, or out of the jurisdiction of this State at the time of the accrual of the right, title or cause of action.

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## ARTICLE LVIII.

### LIVE STOCK.

19. Animals that have died of any infectious disease to be buried or burned. Penalty.

#### Dairies.

20. Dairymen supplying milk must register their cattle.

21. Live stock sanitary board must inspect premises annually wherein cows are kept. Sale and shipment of milk may be prohibited until the following rules are complied with.

### Rules Regarding Stabling of Cows for Dairy Purposes.

Rule 1. Buildings to be properly lighted and ventilated and provided with suitable troughs and feed boxes and properly drained.

Rule 2. Water closets and the like not to be located within such buildings—Certain animals not to be kept therein.

Rule 3. Premises to be kept clean and in good repair.

Rule 4. Buildings to be kept thoroughly clean, painted or whitewashed.

Rule 5. Receptacles for milk.

Rule 6. Cows to be cleaned every day.

Rule 7. Enclosure to be graded and drained. Penalty for disregarding these provisions.

22. Live stock sanitary board shall give certificate of health when provisions of this sub-title are complied with.

23. Annual appropriation for carrying out these provisions.

1890, ch. 321.

19. All hogs and other domestic animals dying of any contagious or infectious disease, shall be buried at the depth of at least three feet, or be burned at the discretion of the owner, and any person or persons permitting any dead hogs or any other domestic animals, having died of any contagious or infectious disease, to remain unburied upon his or their premises for the space of three hours, prior to sun set of said day, after he has discovered the same, shall be guilty of a misdemeanor, and upon conviction thereof before any justice of the peace, shall be fined not less than ten dollars for each offense, or imprisoned in the county jail for not less than ten days, or be both fined and imprisoned in the discretion of the justice.

### Dairies.

1898, ch. 306.

20. It shall be the duty of all dairymen or herdsman or private individuals supplying milk to cities, towns and villages to register their herds or cattle with the live stock sanitary board, in violation of which the parties offending shall be fined not less than \$1 nor more than \$20 for each offense.

Ibid.

21. It shall be the duty of the live stock sanitary board, to have inspected at least annually, without notice to the owner or

those in charge of any dairy or parties supplying milk, as named in section 20 of this article, the premises wherein cows are kept, and if such premises are found in an unsanitary condition, the said board may prohibit the sale and shipment of milk from such premises until such time as the premises shall conform to the following sanitary rules :

Rule 1. No building or shed shall be used for stabling cows for dairy purposes, which is not well lighted and well ventilated, and which is not provided with sufficient feed trough or box, and suitable floor, laid with proper grades and channels to immediately carry off all drainage ; and if a public sewer abuts the premises upon which such building is situated, they shall be connected therewith whenever the inspector considers such sewer connection necessary.

Rule 2. No water-closet, privy, cesspool, urinal, inhabited room or workshop shall be located within any building or shed used for stabling cows for dairy purposes or for the storage of milk or cream ; nor shall any fowl, hog, sheep or goat be kept in any room used for such purposes.

Rule 3. It shall be the duty of each person using any premises for keeping cows for dairy purposes, to keep such premises thoroughly clean and in good repairs and well painted or white-washed at all times.

Rule 4. It shall be the duty of each person using any premises for keeping cows for dairy purposes, to cause the building in which cows are kept to be thoroughly cleaned, and remove all dung from the premises so as to prevent its accumulation in great quantities.

Rule 5. Any person using any premises for keeping cows for dairy purposes, shall provide and use a sufficient number of receptacles, made of non-absorbent materials for the reception, storage and delivery of milk, and shall cause them at all times to be cleaned and purified, and shall cause all milk to be removed without delay from the rooms in which cows are kept.

Rule 6. Every person keeping cows for the production of milk for sale shall cause every such cow to be cleaned every day, and to be properly fed and watered with abundance of pure, clean water.

Rule 7. Any inclosure in which cows are kept shall be graded and drained, so as to keep the surface reasonably dry; no garbage, fecal matter or similar matter shall be placed or allowed to remain in such inclosure unless sufficient straw or similar good absorbent materials be used to keep the inclosure clean at all times, and no open drains shall be allowed to run through it.

And any person who shall ship or sell milk contrary to the aforesaid order of said board shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than one dollar nor more than twenty dollars for each day during which shipments shall be made after notice of such order.

1898, ch. 306.

22. The live stock sanitary board shall, at the request of the owner or owners of dairy herds, furnish them with a certificate of health whenever the provisions of this article are complied with, and there is no visible sign of disease amongst such herds; such certificates shall be revocable in the discretion of the board.

Ibid.

23. For the purpose of paying the expenses required in carrying out the provisions of this sub-title, the sum of three thousand dollars is here appropriated annually, or so much thereof as is necessary out of the moneys in the treasury not otherwise appropriated, and the comptroller is authorized and directed to draw his warrant on the treasury for such sum as the said board shall produce vouchers for, not exceeding the amount appropriated, payable monthly.

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## ARTICLE LIX.

### LUNATICS AND INSANE.

5. When insane persons are to be sent to the almshouse.

1898, ch. 465.

5. If the jury find by their verdict that such person was, at the time of committing the offense, and then is insane or lunatic,

the court before which trial was had shall cause such person to be sent to the almshouse of the county or city in which such person resided at the time of the commission of such act, or to a hospital, or some other place better suited, in the judgment of the court, to the condition of such prisoner, there to be confined until he shall have recovered his reason and be discharged by due course of law. And any judge of the circuit court in any county where such person is detained or of Baltimore city, as the case may be, may, upon *habeas corpus* proceedings, make any order, absolute or conditional, for the permanent or temporary discharge of the person upon satisfactory proof of permanent or temporary recovery.

Hadaway v. Smith, 71 Md. 321.

## ARTICLE LXI.

### MANURES AND FERTILIZERS.

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|--|---|
| 1. Meaning of the terms "fertilizer"—"brand."  | 6. Manner of procuring and sending samples.                             |
| 2. Conditions upon which fertilizers may be sold.  | 7. Disposition of proceeds from licenses. Proviso.                      |
| 3. Penalty for failure to comply with these conditions.  | 8. Purchaser defrauded by labels may recover.                           |
| 4. Unlicensed dealers shall send names to agricultural college; also names of brands. Penalty for failure. | 9. Penalty for using trade-mark of another or adulterating fertilizers. |
| 5. College to analyze samples and send result to dealers.  | 10. Cases to which this article does not apply.                         |
|  | 11. State's attorneys to prosecute for all violations of this article.  |

1890, ch. 387. 1894, ch. 397.

1. The term "fertilizer," as used in this article, shall be held to mean any commercial fertilizer, or any article, substance or mixture sold, offered or exposed for sale for manurial purposes within this State, of which the selling price shall be more than ten dollars per ton of two thousand pounds. The term "brand" shall be held to mean the name under which the commercial fer-

tilizer is sold, together with the statement of the percentage of valuable ingredients contained therein. The term "State chemist" shall mean the professor in charge of the chemical department of the Maryland Agricultural College, who shall be ex-officio State chemist.

1890, ch. 387. 1894, ch. 397.

2. Before any fertilizer is sold, offered or exposed for sale within the State, the following conditions must be complied with: (1) The importer, manufacturer, manipulator, dealer or agent, shall take out a license for the sale of fertilizer, which license shall be rated upon the number of brands contemplated to be sold, at the rate of fifteen dollars for each brand, said license to be prepared and furnished by the comptroller of the treasury, and to be issued at any time, to be good until the first day of February following; provided, that when any such importer, manufacturer or manipulator shall have taken out a license as herein provided, it shall not be necessary for any other person, as his agent or representative, to take out a license to sell the fertilizers provided for by the party who has taken out such license. (2) Every bag, barrel or package of fertilizer, and every parcel or lot, if sold in bulk, must bear in legible print, or be accompanied by a clear and true statement showing the net pounds of fertilizer in the package or lot, the name, brand or trade-mark under which the fertilizer is sold, the name and address of the importer, manufacturer or manipulator, the place of manufacture or manipulation, and a chemical analysis stating the per centum of the minimum, and only the minimum contained therein of nitrogen or its equivalent in available ammonia, of potash soluble in distilled water, and of available phosphoric acid.

Ibid.

3. Any failure to comply with any or all of the conditions provided in section two shall be punishable by a fine of one hundred dollars (\$100) for the first offense and of \$200 for every subsequent offense.

Ibid.

4. Any person, firm or company selling or offering for sale any fertilizer in this State, or intending so to do, and not licensed

by the comptroller as provided by this article, shall, on or before the thirty-first day of July in each and every year, send his or their name or names with postoffice address and the names of the kinds, brands and trade marks, and of the manufacturer, importer or manipulator of each fertilizer sold or proposed to be sold, to the Maryland Agricultural College, and the same shall be registered in suitable books kept for that purpose; and any failure to comply with the provisions of this section, shall be punishable by a fine of twenty-five dollars (\$25) for the first offense and of fifty dollars (\$50) for every subsequent offense.

1890, ch. 387. 1894, ch. 397.

5. It shall be the duty of the Maryland Agricultural College to analyze without cost or charge all samples of fertilizers sent to it for the purpose of being analyzed by any person or persons purchasing or procuring the same in this State for his or their use or uses; provided, such persons are not interested in the analysis desired other than as consumers, of which affidavit shall be made and shall accompany each sample or brand; and further, such samples are taken and sent as described by this article, and free of cost of transportation to said college; and it shall be the duty of the Maryland Agricultural College to procure samples as far as practicable in every year of all the fertilizers sold and used in this State, for the purposes of analyzing the same; and any duly authorized agent or representative of the said college shall have the right to take samples as provided by this article from any lot or parcel of fertilizer in transitu or in possession or keeping of any manufacturer, manipulator, dealer or agent, and sold or offered for sale in this State; and it shall be the duty of the Maryland Agricultural College to send in the result of every sample of fertilizer to the person from whom such sample was taken or received, and also to publish from time to time the results of the analysis made by the said college of the samples sent to or procured by it for such purpose; and it shall be the duty of the Maryland Agricultural College, when reporting or publishing the result of any analysis made, to state the commercial value in dollars and cents of the fertilizer so analyzed, per ton of two thousand pounds, such value to be based upon the analysis made by the college, and upon a standard of valuation to

be ascertained, fixed and published by said college, annually, after conference with the proper officials of adjacent States.

1890, ch. 387. 1894, ch. 397.

6. All samples of fertilizers for analysis at the Maryland Agricultural College shall be taken from unbroken packages that have not been injured in transit or by exposure, and when in the possession of purchasers, within thirty days after coming into their possession, and every such sample when taken by an agent or representative of the college, shall be taken in the presence of the owner, agent or dealer in possession thereof, or of his or their representatives, and when by an owner or consumer, it shall be taken in the presence of one disinterested witness; and every sample shall be taken from a bag or package or a number of bags or packages, which shall not be less than five per cent. of the whole lot to which the sampling pertains; and in every case not over two pounds shall be taken, from near the top, the bottom and the middle of the bag or packages sampled, and these portions shall be thoroughly mixed in a clean dry place, and a suitable sample shall be taken from said mixture and placed in a suitable vessel or vessels carefully closed with identifying labels, both within and without the vessel or vessels, and the same then taken or sent by safe carriage to the said college for analysis; and there shall accompany every such sample a full and complete statement and description of the place and time of sampling, of the lot of fertilizer sampled, of all marks on the bags or packages thereof, and other facts relating to the same, and such statement and description shall be signed by the person who does the sampling and by the witness thereto.

Ibid.

7. The funds received by the comptroller from the licenses issued under this article shall be paid into the treasury, and be set apart as a specific fund to pay the cost and expenses of conducting the analysis provided for in section five, and the treasurer shall semi-annually pay over to the Maryland Agricultural College the money received from said licenses; provided, that the amount paid in any one year shall not be more than at the rate of fifteen dollars (\$15) for each sample of fertilizer analyzed by the said college.

1890, ch. 387. 1894, ch. 397.

8. Any purchaser of fertilizer who shall be injured or defrauded by the contents of the bag, barrel or other packages not conforming in quantity or quality to the marks, labels or statements on or accompanying the same may recover from the seller or sellers thereof, in an action of debt, an amount equal to the purchase money of said fertilizer and cost of suit; and in case the purchase is made of an agent of any person or persons residing out of the limits of the State of Maryland, or company or corporation whose principal place of business is out of the State, manufacturing, compounding, preparing and furnishing for sale any such commercial fertilizer, the purchaser thereof may, at his or her option, proceed by attachment, as now provided for by law in cases of non-resident and absconding debtors, against any property, rights or credit of any person, persons, company or corporation selling, manufacturing, preparing, compounding or furnishing said fertilizer, when such property, rights or credits can be found within the limits of the State of Maryland.

Ibid.

9. Any manufacturer, dealer, agent or other person or persons who shall adulterate, add to or take anything from any fertilizer, sold or offered for sale within this State, or who shall use the brand or trade-mark of any manufacturer or dealer other than his own, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof in any court having jurisdiction, be punished by a fine not exceeding two hundred dollars (\$200) and imprisonment in jail not exceeding six months, or by fine and imprisonment, in the discretion of the court before whom he shall be tried.

Ibid.

10. This article shall not affect parties importing, manufacturing or manipulating fertilizer for their own use if not sold or disposed of; and it shall not apply to substances and materials sold in bulk to manufacturers or manipulators of fertilizer, and nothing in this article shall prevent the buyer and seller from making contracts in reference to the price to be paid dependent upon the composition or quality of the fertilizer contracted for; but no arrangement or agreement, verbal or written, made by or

between any seller and buyer of fertilizer in this State, for the purpose of exonerating the seller or manufacturer from liability for any violation of any of the provisions of this article, shall exempt any person from such liability.

1890, ch. 387. 1894, ch. 397.

11. It shall be the duty of all State's attorneys to prosecute all persons accused of violating any of the provisions of this article.

## ARTICLE LXII.

### MARRIAGES.

- |   |   |
|---|---|
| <p>11. License required. Penalty for marrying without license. Penalty for failure to return certificate.</p> <p>11 A. Form of marriage certificate. Record of marriage to be</p> | <p>made and to be <i>prima facie</i> evidence of such ceremony.</p> <p>11 B. Penalty against minister for failure to transmit certificate to clerk.</p> |
|---|---|

1894, ch. 94.

11. Such license, when produced, shall be full authority to any minister or other person authorized to marry, receiving the same, to proceed with the marriage of the parties named therein; provided, that should any minister or other person marry persons without such license, he shall on conviction thereof be fined not less than one hundred dollars nor more than five hundred dollars, in the discretion of the court; and provided further, that any minister or other person so performing such marriage ceremony, who shall fail to return within the period of thirty days from the date of such marriage, to the clerk of the court issuing said license, one of the certificates of marriage mentioned in section four of this article, shall on conviction thereof be fined not less than ten dollars.

1890, ch. 465.

11 A. In all cases when marriages shall be celebrated after publication of banns, it shall be the duty of the minister cele-

brating the marriage to make two certificates in the following form: I hereby certify that on this — day of —, one thousand —, at —, A— B— and C— D—, were by me united in marriage; the names of said parties having first been thrice published on three several Sundays in —, a house of religious worship, — county, State of Maryland, by —, a minister resident in said county, which he shall sign, giving his name and official character, and immediately after he has celebrated the marriage, the minister shall give one of the certificates to the persons whom he has married, and he shall transmit one of the certificates to the clerk of the circuit court for the county where the marriage was celebrated, or to the clerk of the Court of Common Pleas of Baltimore city, if the marriage be celebrated in Baltimore city, who shall record the same in a book kept for that purpose, receiving a fee of fifteen cents for recording each certificate, to be paid by the minister sending the certificate for record; a copy of such certificate of the minister when recorded in the clerk's office hereinbefore provided, certified to by the clerk under the seal of his office shall be *prima facie* evidence of the fact of such marriage.

1890, ch. 465.

11 B. Any minister who shall fail within sixty days to transmit the certificate to the clerk for record shall be subject on conviction to a fine of ten dollars for each offense.

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## ARTICLE LXIII.

### MECHANICS' LIEN.

17. Claim must be filed.

| 43. Repealed by 1890, ch. 172.

1890, ch. 107.

17. Each person entitled to such lien shall file a claim or statement of his demand in the office of the clerk of the circuit court for the county or the Superior Court of Baltimore city as

the case may be, and such claim or statement shall be re-delivered by the clerk to the party filing the same after it has been recorded as provided in section eighteen.

1890, ch. 172.

### 43. Repealed.

NOTE: The act of 1898, chapter 502, repeals sections 1, 2, 10, 11, 13, 14, 17, 20, 21, 23, 27, 30, 36 and 42 of this article, so far as these sections relate to Baltimore city and re-enacts them with amendments limiting the right of lien in Baltimore city to mechanics and workmen for unpaid work and labor, and putting an end, as to Baltimore city, to the lien heretofore existing in favor of material men. The pre-existing law is not changed by this act as to the counties. *Act 1898 Ch. 502 Repeal Constitutional in Williams-Scripps 9/1 Ind. Feb.*

## ARTICLE LXV.

### MILITIA.

#### I. Reserve Militia and General Staff.

1. Of whom the militia shall consist. Persons exempt liable to duty in case of war or insurrection.
2. When the Governor has authority to order out the militia.
3. Authority of the Governor as commander-in-chief, to make all rules and regulations.
4. Enrollment of persons liable to duty. Duty of persons claiming exemption. Penalty for failure to give information of persons liable to enrollment.
5. Of what the general staff of the militia shall consist.
6. Duties of the adjutant general. Salary of clerk to adjutant general.
7. Duties of other officers of the staff.

#### II. Maryland National Guard.

##### 1. ORGANIZATION.

8. What shall constitute the "Maryland National Guard."
9. Infantry regiments in the first brigade. Officers of the first brigade. Officers of the first naval battalion.
10. Organization of new companies.
11. Brigade staff, how composed.
12. Officers, how elected.
13. Elections of officers, how ordered.
14. Commissions, how issued. Boards of examiners, of whom composed.
15. Oaths of officers and privates. Oaths must be certified.
16. When persons are deemed mustered in.
17. Resignation of officers.
18. When officers may not resign.
19. When company may be mustered in.

**2. DISCIPLINE.**

- 20. Inspection of commands.
- 21. Authority of the commander-in-chief to order general courts-martial.
- 22. Rules for government of first naval battalion.
- 23. Military board, how appointed.
- 24. By-laws for each regiment, how adopted. Proviso.
- 25. Military offenses, how punishable.
- 26. Fines and penalties for such military offenses.
- 27. Trial of such offenses. Proceedings.
- 28. Penalty for misapplication of money or other property.
- 29. Return of arms, equipments, etc. Penalty for failure to make such return.
- 30. Disbandment of company.
- 38. Duty of commander-in-chief upon failure of such disbursing officer to report.
- 39. Accounts to be kept by adjutant general. Reports to be made and published by him, of such reports. Commissioned officers to have access to such reports.
- 40. State military board. Their meetings. Adjutant general to be president of said board.
- 41. All bills or allowances shall be sworn to before payment is made.
- 42. Arms and equipments, etc., how furnished to companies. Proviso.
- 43. Officers to be held accountable for all public property for military use. Bond of officer liable.
- 44. Penalty for the destruction of arms or military property.
- 45. Penalty for selling or pawning arms, equipment or other property belonging to the Maryland National Guard.
- 46. Adjutant general and commanding officers may rent armories for military purposes under authority from the Governor.
- 47. Certificates of membership, how signed. Fee of honorary members, how applied. Report of such fund. Honorary members exempt from jury duty.
- 48. Definition of "Separate Organization."
- 49. Veteran Corps, Fifth Regiment, to what entitled.

**3. SERVICE AND PAY.**

- 31. Encampments, how held. Cruise of first naval battalion.
- 32. Pay while in encampment or on cruise.
- 33. Certificate of officer or private having served three years may exempt him from jury duty.
- 34. Calling out the militia for suppression of disorder, riots, etc.

**4. MAINTENANCE AND EQUIPMENT.**

- 35. Appropriation for militia, how to be applied.
- 36. Distribution of such appropriation. Provisos.
- 37. Disbursing officer shall give bond.

**I. Reserve Militia and General Staff.**

1896, ch. 83.

1. The militia of this State shall consist of all able bodied male citizens between the ages of eighteen and forty-five years,

and not exempt by the laws of the United States, except persons holding any civil office created by the constitution and laws of the State, practising physicians, ministers of any church or religious denomination, conductors and engineers of railways, captains and chief engineers of steam vessels and licensed pilots; all such exempted persons shall be liable to military duty in case of war, insurrection, invasion or imminent danger thereof.

1896, ch. 89.

2. In case of war, rebellion, insurrection or threatened invasion of this or any neighboring State, the Governor, as commander-in-chief, is hereby authorized to order out for actual service, either by calling for volunteers, by draft or otherwise, as many of the militia as the exigency may in his judgment require, and in such cases he is hereby vested with the full power and authority to make all needful rules and regulations therefor; which rules and regulations shall have the force of law.

Ibid.

3. At all times the commander-in-chief is hereby authorized to make and publish all needful rules and regulations for the control, discipline, armament and equipment of the militia to carry out the provisions of this article, which rules and regulations shall, as far as practicable, conform to the laws and regulations governing the organization of the United States volunteer forces, their discipline, armament, equipment and officers, and which rules and regulations shall have the force of law.

Ibid.

4. Whenever the commander-in-chief shall deem it necessary, he may order an enrollment of all persons, other than members of the national guard, liable to military duty, to be made by persons by him designated. Such enrollment shall state the name, residence, age and occupation of the persons enrolled. Two copies of such enrollment shall be made, one to be filed with the Clerk of the Superior Court of Baltimore city, and with the clerk of the circuit court for the county wherein such enrollment shall be made, the other to be filed in the office of the adjutant general of the State. The officer making such enrollment shall, at the time of making the same, serve a notice of

such enrollment upon each person enrolled, by delivering such notice to him or by leaving it with some person of suitable age and discretion at his place of residence. All persons claiming exemption must, within fifteen days after the service of such notice as hereinbefore provided for, file a written statement of such exemption, verified by affidavit, in the office of the Clerk of the Superior Court of Baltimore city, or in the office of the clerk of the circuit court for the county as the case may require; such clerk shall thereupon, if such person be exempt according to law, mark the word "Exempt" opposite his name on the copy of the enrollment in his possession, and forthwith forward to the adjutant general a list of the names of all persons thus marked "Exempt," with the original written statements of such exemption. All persons shall, upon the application of the officer making such enrollment, give the name of, and all other proper information concerning any person within their knowledge liable to be enrolled, under penalty of ten dollars for every concealment or false information, or refusal to give the information requested, to be recovered with costs, in the name of the State, before any justice of the peace in the county or city wherein such offender resides. The officer making the enrollment shall, within ten days, report to the adjutant general of the State all persons who shall fail or neglect to give information as aforesaid.

1896, ch. 89.

5. The general staff of the militia shall consist of the adjutant general, with the rank of major general, whose salary shall be two thousand dollars per annum, and the said sum is hereby appropriated for that purpose annually, and the comptroller is directed to draw his warrant on the treasurer, who is hereby directed to pay the same in equal monthly instalments; and a quartermaster general, a chief of ordnance, an inspector general, a surgeon general and judge advocate general, all of whom shall have the rank of brigadier general, shall be appointed by the Governor, and shall hold office until the appointment and qualification of their successors, or until removed in pursuance of the sentence of a court-martial; and the Governor is hereby empowered to appoint such number of aids, not exceeding ten, with the rank of colonel, as may be necessary to the discharge of his duties as commander-in-chief.

1896, ch. 89.

6. The duties of the adjutant general shall be as follows, to wit: he shall issue, sign and transmit all general or special orders of the commander-in-chief to the several military officers through the proper channels, and shall keep a proper record of the same; he shall enter on record a description of the divisions, brigades, regiments, battalions, squadrons, batteries, companies and separate organizations which are or may hereafter be formed, and every alteration thereof, showing the name, rank, number and date of commission or enlistment, office and residence of each officer and member, and shall revise such roster annually or as often as may be necessary; he shall make out and issue all commissions and discharges directed by the commander-in-chief; he shall prepare and provide the necessary rosters, books of record, forms, blanks for commissions, returns and other papers required under this article, and distribute them to commanding officers entitled to receive the same, on proper requisition therefor; he shall be charged with all correspondence between the commander-in-chief and officials of the several States and Territories, the Secretary of War, the Adjutant General of the Army of the United States, the Secretary of the Navy and other persons in official stations on the subject of military and naval affairs, and keep a record of such correspondence; he shall annually make a return, in duplicate, of all the organized militia of this State, on or before the first Monday of January, one copy to be transmitted to the Adjutant General of the United States Army and one copy to be filed in his own office; he shall receive and file all returns made to him according to law, and annually make a detailed report to the commander-in-chief; and he shall keep his office and discharge the duties thereof at the capital of the State; and he is hereby empowered and authorized to employ a clerk, at a salary of \$1,200 per annum, and the said sum is hereby appropriated for that purpose annually, and the comptroller is directed to draw his warrant on the treasurer who is hereby directed to pay the same in equal monthly instalments.

Ibid.

7. The other officers of the general staff of the militia shall, when directed by the commander-in-chief and under rules and

regulations that may be prescribed by him, perform the duties that properly belong to their several offices, but they shall receive no compensation therefor, except when on actual service by command of the commander-in-chief and mustered in with the troops.

## II. Maryland National Guard.

### 1. ORGANIZATION.

1896, ch. 89.

1900  
2659 8. The first brigade and the first naval battalion already formed and organized out of the volunteer uniformed organizations now existing, together with such others as may be provided for by law, shall constitute the body of organized militia and shall be known as the "Maryland National Guard." The first brigade shall consist of not more than forty companies, infantry, cavalry, artillery and signal corps, to contain not more than twenty-five hundred enlisted men; the first naval battalion shall consist of not more than four divisions, to contain not more than three hundred and twenty-four enlisted men.

Ibid.

1870  
659 9. The "Maryland National Guard," until otherwise provided by law, shall consist of the following infantry organizations: The first regiment, the fourth regiment, the fifth regiment and the separate colored company now organized, the said three regiments to be composed of twelve companies each, and all companies of infantry organized as above provided for to consist of not less than forty nor more than sixty enlisted men; and the first naval battalion now organized to be composed of four divisions to be known as division A, division B, division C and division D, respectively; each division of said first naval battalion shall consist of not less than thirty-six petty officers and men as a minimum, and eighty-one petty officers and men as a maximum.

The above named force, except the first naval battalion, shall be officered and organized as prescribed, from time to time, by the regulations of the United States Army, except that the staff of each regiment shall consist of the following officers and non-commissioned officers, viz: one surgeon with the rank of major; three assistant surgeons with the rank of captain; one

adjutant, one quartermaster, one commissary, one ordnance officer, one paymaster, one chaplain, all with the rank of captain; three battalion adjutants, each with the rank of first lieutenant; all of whom shall be appointed and commissioned by the Governor on the nomination of the regimental commander; one regimental sergeant-major, one quartermaster sergeant, one commissary sergeant, one hospital steward, one ordnance sergeant, two color sergeants, three battalion hospital stewards and three battalion sergeants major, all of whom shall be enlisted men, appointed and warranted by the regimental commander. In addition to the infantry and naval commands of the State, the commander-in-chief may, whenever in his judgment the State appropriation shall justify the expenditure and the efficiency of the service require it, authorized and direct the enlistment and formation of a troop of cavalry, and the enlistment and formation of a battery of artillery of four guns, the kind and calibre of the guns to be designated by the commander-in-chief, and the enlistment and formation of a signal corps to consist of the following officers and men: one first lieutenant, one second lieutenant, one first sergeant, three sergeants, four corporals and twenty privates. The said brigade, infantry, cavalry, artillery and signal corps, shall be commanded by a brigadier general, or, in case of a vacancy, by the senior ranking line officer until a brigadier shall be duly commissioned and qualified; and the headquarters of the brigade shall be in the city of Baltimore.

The first naval battalion shall be officered and organized as follows: there shall be one commander, who shall command the same; one lieutenant commander, to act as executive officer, who shall be next in rank and in succession to command to the commander; and one lieutenant, to act as navigator and ordnance officer, who shall be third in rank and in succession to command; to each division there shall be one lieutenant to command the same, one lieutenant junior grade, and two ensigns. The staff shall consist of a paymaster, a surgeon and a chaplain, each with the rank of lieutenant; an assistant paymaster and an assistant surgeon, each with the rank of ensign; a passed assistant engineer, with the rank of lieutenant junior grade, one assistant engineer, with the rank of ensign, and one ensign to act as aid, all of whom shall be appointed and commissioned by the com-

mander-in-chief, on the nomination of the commander. The commander-in-chief shall prescribe the number and rank of all warrant and petty officers. Warrant officers and petty officers not assigned to a division shall be appointed and examined, and, if found qualified, warranted by the commander or commanding officer; divisional petty officers shall be appointed by the commanding officers of the respective divisions who shall certify the same to the commander or commanding officer; the commander, or commanding officer, shall thereupon cause an examination of the officers so appointed, to be held, and, if they shall be qualified, he shall issue warrants accordingly. The rank given in this article to officers of the first naval battalion is naval rank. The relative rank of officers in said battalion with officers in the United States Army is as follows: Commander, with lieutenant colonel; lieutenant commander, with major; lieutenant, with captain; lieutenant junior grade, with first lieutenant; and ensigns, with second lieutenant. The relative position of seamen shall be that of private in the United States army, and the relative positions of petty officers in the said naval battalion with non-commissioned officers in the United States army shall be determined by the commander-in-chief.

1896, ch. 89.

**10.** Whenever it shall be or become necessary to organize new companies to make up the complement of the twelve companies of any of the three regiments as provided for by this article, the regimental commander shall proceed to organize such companies under rules and regulations to be prescribed by the commander-in-chief.

Ibid.

**11.** The brigade staff shall be composed of the following officers and non-commissioned officers, viz: one adjutant general, one inspector general, and one chief surgeon, all with the rank of colonel; one chief quartermaster, one chief commissary, one chief paymaster, one ordnance officer and inspector of small arms practice, and one judge advocate, all with the rank of major; and the personal staff of the brigadier-general shall consist of two aids, with the rank of first lieutenant; all of whom shall be appointed and commissioned by the governor, on the nomination

of the brigade commander, and who shall hold office until their successors are appointed; a brigade sergeant major, a quartermaster sergeant, a commissary sergeant, a hospital steward, a chief trumpeter with the rank of sergeant, and two orderlies, all of whom shall be enlisted men, appointed and warranted by the brigade commander.

1896, ch. 89.

**12.** The officers of the line of the brigade shall be elected as follows: the brigadier-general by the ballots of the field officers of the brigade; provided, that no person shall be eligible to the office of brigadier-general who shall not have served as a commissioned officer during the war or five years in the army of the United States or in the national guard; field officers by the ballots of the company officers of the respective regiments; captains and lieutenants of companies, the troop of cavalry, the battery of artillery and the signal corps, by the ballots of the enlisted men of the said respective organizations. The officers of the first naval battalion shall be elected as follows: the commander, lieutenant commander and lieutenant to act as navigator shall be elected by the ballots of the commissioned officers of the said first naval battalion; lieutenants, lieutenants junior grade and ensigns shall be elected by the ballots of the enlisted men of their respective divisions.

Ibid.

**13.** The election of the brigadier general shall be ordered by the commander in-chief; the election of field officers of regiments and officers of organizations unattached to regiments, except the first naval battalion, shall be ordered by the brigade commander; the election of captains and lieutenants of the companies in the several regiments shall be ordered by the respective regimental commanders. The election of officers of the first naval battalion shall be as follows: The time, place and manner of holding said election shall be determined by the commander-in-chief, when the office to be filled is that of commander; by the commander, if there be one, if not, by the commander-in-chief, when the office is lieutenant commander or lieutenant to act as navigator; by the commander or commanding officer for the election of any other commissioned officer of said battalion.

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1896, ch. 89.

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14. The names of persons duly elected or nominated to offices in accordance with the provisions of this article shall be forwarded to the commander-in-chief to the end that commissions may be issued to them, but before forwarding such names the brigade commander or the regimental commander or the commanding officer of the first naval battalion, as the case may be, shall require the person so elected, and may require those nominated, to be examined with respect to their qualifications and fitness to fill the offices to which they have been elected, or for which they have been nominated respectively, by a board of examiners. The board of examiners for the examination of officers, except officers of the first naval battalion, shall consist, for the examination of all officers above the rank of captain, of three officers in the brigade above the rank of captain, and for the examination of aids on the staff of the brigadier general and of officers of the separate organizations, of three officers not above the rank of captain, to be appointed by the brigade commander; and for the examination of all regimental officers not above the rank of captain, of three officers of the regiment to be appointed by the regimental commander. The board of examiners for the examination of officers of the first naval battalion, shall consist of three officers of said battalion to be appointed by the commander or commanding officer. On the report of any of such boards of examiners, the appointing officer shall forward said report through the regular channels to the commander-in-chief, and if the commander-in-chief shall adjudge a person unqualified for the office to which he has been elected or nominated as aforesaid, another person shall, within twenty days after due notice of such adverse decision be elected or nominated, and in default of such election or nomination the vacancy may be filled by the commander-in-chief. All officers whose election or nomination as set forth in this article, shall be approved by the Governor and commander-in-chief, shall be duly commissioned by him.

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Ibid.

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15. Every commissioned officer, non-commissioned officer and private, before he enters upon his duties, or exercises any command, shall take and subscribe in such manner and before such

person as the commander-in-chief may direct, the following oath or affirmation, viz: "I, A. B., do solemnly swear (or affirm,) that I will bear true allegiance to the State of Maryland, and will support the constitution thereof, so help me God."\* "I, A. B., do solemnly swear (or affirm,) that I will faithfully and impartially discharge all the duties incumbent upon me according to the best of my ability and understanding, agreeably to the constitution and laws of the State of Maryland, so help me God."\*

"I, A. B., do solemnly swear (or affirm,) that I will support the constitution of the United States and the laws made in pursuance thereof, so help me God."\* Which oath or affirmation shall be duly certified by the person before whom the same is made, and said certificate shall be forwarded to the commander-in-chief through the proper channels.

1896, ch. 89.

16. All persons who shall have made the oath or affirmation prescribed by the preceding section shall be deemed to be enlisted and mustered into the Maryland National Guard, commissioned officers until their commissions shall have been duly vacated, and non-commissioned officers and privates for the period of three years from the date of such enlistment, unless sooner discharged by proper authority.

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Ibid.

17. The resignation of commissioned officers shall be in writing directed to the adjutant-general and forwarded immediately through all the intermediate commanders who shall endorse the same with their approval or disapproval. No officer shall be considered out of service on the tender of his resignation, until the same shall have been accepted by the commander-in-chief.

Ibid.

18. No officer shall be permitted to resign his commission who shall be under arrest or against whom charges shall have been preferred for any delinquency; and no resignation shall be accepted unless the officer tendering the same shall furnish to the adjutant general satisfactory evidence that he has delivered all monies in his hands as such officer and all books and other property of the

\*Under the act of 1893, ch. 113, these imprecatory words should be omitted.

State in his possession to his next superior or inferior officer, or the officer duly authorized to receive the same, and that his accounts for money or public property are correct, and that he is not indebted to the State.

1896, ch. 89.

19. At any time upon the report and recommendation of the brigade commander that any company or separate organization is not up to the proper standard of numbers, efficiency or discipline, the commander-in-chief may, in his discretion, muster out of service such company or separate organization so reported inefficient, and thereupon the commissions of all the officers of such company or separate organization shall be vacated. And at any time upon the report and recommendation of the adjutant general, after an inspection by him ordered or made of any division forming a part of the first naval battalion, that such division so inspected is not up to the proper standard of efficiency or discipline, the commander-in-chief may, in his discretion, muster out of the service such division so reported inefficient, and thereupon the commissions of all officers of such division shall be vacated.

## 2. DISCIPLINE.

1896, ch. 86.

20. The respective commands composing the Maryland National Guard shall be inspected by the inspector general under orders and conditions prescribed by the commander-in-chief, or by some other officer designated by the commander-in-chief, as often as he may think necessary, but not less than once a year, and the officer on inspection duty as provided for in this section shall be deemed to be on actual service and mustered in with the troops.

Ibid.

21. The commander-in-chief may at any time order general courts-martial for the trial of any officer or enlisted man of the Maryland National Guard for any military or naval offenses, and he may also, by such general rules and regulations as he may think proper to publish from time to time, provide for organizing and convening brigade and regimental courts-martial and courts-martial for the first naval battalion, by the respective com-

manders thereof, for the trial of all such military and naval offenses, which rules and regulations shall have the force of law.

1896, ch. 89.

**22.** The commander-in-chief is hereby authorized to make such rules and regulations from time to time as he may deem expedient for the government and instruction of the first naval battalion, but such regulations shall conform to this article, and as nearly as practicable to those governing the United States navy, and when promulgated, they shall have the same force and effect as the provisions of this article. The first naval battalion shall be subject to the articles and regulations for the government of the United States navy, to the same extent as, and under the same circumstances as, the land forces of the national guard are subject to the articles of war and regulations for the government of the United States army.

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Ibid.

**23.** The commander-in-chief may, from time to time, and at any time, appoint a military board of not less than three nor more than five officers whose duty it shall be to examine into the capacity, qualification, propriety of conduct and efficiency of any commissioned officer who may be reported to him as incompetent or unfit to discharge the duties of his office; and upon the report of such board, if adverse to such officer and approved by the commander-in-chief, the commission of such officer may be revoked; provided, always, that if practicable, two members at least of such board shall have military rank at least equal to that of the officer examined. The commander-in-chief may, also, when in his opinion it is necessary, call boards of officers for settling military and naval questions, and for other purposes of administration and discipline.

Ibid.

**24.** Every regiment and separate organization of the Maryland National Guard may, by a vote of a majority of its officers, adopt by-laws which, when approved by the commanding officer of such regiment or separate organization, by the brigade commander, or the commander of the first naval battalion, as the case may be, and by the adjutant general, shall be binding upon all

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the members of such regiment or separate organization ; provided, that nothing therein shall be inconsistent with the constitution or laws of this State or of the United States, or the rules and regulations prescribed by the commander-in chief.

1896, ch. 89.

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**25.** The force composed and organized as prescribed in this article shall be considered in the actual military service of this State and liable to be called into active service at any time for the repression of disorder and for the protection of property in aid of the civil authorities and the police of this State ; and the members thereof shall be subject to all such military rules and regulations as are applicable to such bodies in time of peace ; and all military offenses, such as disobedience of orders, non-attendance at drills, assemblies, parades, reviews or encampment, or neglect or non-performance of such other duty as they may lawfully be called on to perform, shall be considered, and they are hereby declared to be offenses against the general police regulations of the State, and shall be punished by fine or imprisonment as hereinafter provided ; and in addition to such fine or imprisonment as may be thus imposed, the offender may be reprimanded or dishonorably discharged from the service by the commander of the regiment or separate organization to which he belongs.

Ibid.

**26.** Any enlisted man of said organizations committing any of the offenses mentioned in section 25 of this article shall be liable to and forfeit and pay the following fines and penalties, viz : (a) for neglect or refusal to attend any assembly of his regiment, battalion, company or separate organization ordered by the respective commandants thereof, the sum of fifty cents for each offense ; (b) for every day of non-attendance at any encampment or cruise ordered by the commander-in-chief, or by the commandant of such regiment or battalion or separate organization, the sum of fifty cents ; (c) for each and every offense provided for in said section 25, the sum of one dollar ; (d) every officer guilty of any of the offenses or neglects above set forth shall be subject to a fine of twice the amount which would be payable by an enlisted man for the same offense ; no excuse shall be valid for any of the

above mentioned absences from such assemblies, except *bona fide* absence from the city or place where such assemblies are ordered, sickness of the member (such as would prevent attention to ordinary pursuits,) sickness of family requiring his personal care, or recent domestic affliction.

1896, ch. 89.

**27.** The commanding officers of the several regiments and separate organizations of the Maryland National Guard shall appoint courts-martial, in accordance with the provisions of the by-laws of their several organizations which may be adopted and approved from time to time under the provisions of section 24 of this article, for the trial of the offenses and the imposition of the fines prescribed in sections 25 and 26, and the offender shall be entitled to a hearing before the court-martial so constituted. Upon the finding of any such court-martial imposing any of said fines, and upon the approval of the finding by the commanding officer appointing the court, the fine or fines so imposed shall be and become at once payable; and in case any officer or enlisted man upon whom a fine has been imposed in accordance with the provisions of this section shall fail, refuse or neglect to pay the fine so imposed upon him, within ten days after he shall have been notified thereof, the said fine may be collected in the name of the State before any justice of the peace in the county or city where the delinquent resides, in the same manner as other fines for offenses against the general police regulations of the State are collected, upon the certificate in writing of the proper commanding officer setting forth the finding of the court-martial and his approval thereof. Upon the production of such certificate to the justice of the peace he shall forthwith adjudge and require the fines so certified as having been imposed and approved, together with all costs of the proceedings before him to be paid, and in default of payment of said fine with costs as aforesaid, said justice shall commit the delinquent to the jail of the city or county where the said delinquent resides for one day for every dollar of the said aggregate amount of fine and cost; but in no case shall the period of imprisonment exceed ten days.

Ibid.

**28.** Any member of the Maryland National Guard who shall wilfully and unlawfully misapply or convert to his own use any

money or other property belonging to said national guard or any organization thereof, or who shall, when lawfully called upon so to do by the proper officer of said Maryland National Guard, fail or refuse to pay or deliver to said officer any such money or property in his possession, or for which the said member was chargeable or accountable, shall be guilty of a misdemeanor, and upon conviction thereof before a court of competent jurisdiction shall be fined a sum not exceeding five hundred dollars or sentenced to imprisonment in jail for a period not exceeding one year, or he shall be both fined and imprisoned as aforesaid, in the discretion of the court.

1896, ch. 89.

**29.** All arms, equipments or other property furnished to organizations of the Maryland National Guard shall, when required by the adjutant general, the commanding officer of the company, or commanding officer of the regiment to which said company belongs, or by the commanding officer of any separate organization, be deposited in the armory of said company or regiment or separate organization; and failure to deposit as aforesaid any article of such property by the person to whom it was issued, ten days after he shall have been notified, by written notice from the commanding officer as aforesaid, to return it to the armory, shall be considered a misdemeanor; and the person so offending shall be punished by a fine not exceeding double the value of the property thus illegally detained, to be recovered on the complaint of the adjutant general or of the proper commanding officer as aforesaid, in the same manner as is prescribed for the collection of fines in section 27 of this article, or by imprisonment in the county or city jail for not less than two weeks nor more than two months.

Ibid.

**30.** Upon the disbandment of any company or organization which has received arms, equipments or any other property of the State for military or naval purposes, the commanding officer of such company or organization shall be responsible for the return of the same to the custody of some duly authorized officer of the State; and it shall be the duty of the adjutant general to take the necessary legal proceedings in the name of the State, or

to direct that proper legal proceedings be taken, as provided in section 29 of this article, unless the said property is properly accounted for by said commanding officer as provided in section 42 of this article.

### 3. SERVICE AND PAY.

1896, ch. 89.

31. There shall be an encampment of the brigade in the year 1896, and in every alternate year thereafter; and there shall be an encampment of the three regiments of the brigade separately, and such of the separate organizations as the commander-in-chief may designate, except the first naval battalion, in the year 1897, and in every alternate year thereafter, such encampments to be held within the limits of the State, at such time and place and for such length of time as the commander-in-chief may determine. There shall be an encampment or cruise of the first naval battalion in the year 1896, and in every year thereafter, at such time and place and for such length of time as the commander-in-chief may determine, and such encampment or cruise of said naval battalion may be held without the limits of the State, if the commander-in-chief so determines; provided, however, that no encampment or cruise shall be had in any given year if the commander-in-chief, for good and sufficient reasons, shall so order. /100  
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Ibid.

32. Whenever any of said organizations shall be ordered into camp or on a cruise as aforesaid, or whenever ordered out by the commander-in-chief, each enlisted man shall receive the following pay for each and every day of service, viz: non-commissioned staff and first sergeants, one dollar and seventy-five cents; sergeants, one dollar and fifty cents; corporals, one dollar and twenty-five cents; musicians and privates, one dollar; musicians and seamen of the first naval battalion, one dollar; warrant and petty officers of the naval militia according to their relative rank as determined by the commander-in-chief; and in addition to said pay, each enlisted man shall receive rations as prescribed by the United States army and navy regulations, or commutation thereof at a rate not exceeding forty cents per diem; provided, /100  
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that on the re-enlistment of any enlisted man within one week of the expiration of his previous enlistment, he shall receive an increase of ten per cent. of his pay in his preceding enlistment; and the officers, according to their rank, shall be entitled to pay at the same rate per diem that officers in the service of the United States receive; and the officer detailed for inspection of said force as above provided shall be entitled to transportation and pay for the time so occupied, such as officers of his rank would receive in the service of the United States; provided, however, that all of said allowances or pay shall be paid only out of the general appropriation for the militia then already existing, and none of said allowances shall be made unless there is sufficient money of said appropriation on hand and otherwise unused; but in order to provide a fund for the said encampments and cruises, it shall not be required that any portion of the appropriation unexpended for any one year shall be turned back into the treasury, but such unexpended appropriation may be applicable to the expenditures and encampment of the next fiscal year.

1896, ch. 89.

**33.** In case any officer or enlisted man shall serve for the full period of three years, he shall be entitled to a certificate of that fact, signed by the commanding officer of the brigade, regiment or separate organization to which he belonged, which, at his option and only in case he claims such exemption, shall exempt him from jury duty for the full period of three years after the expiration of his term of service.

Ibid.

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**34.** Whenever the board of police commissioners for the city of Baltimore or the sheriff of any county shall require any portion of the Maryland National Guard to aid in preventing threatened disorder or opposition to the laws, or in suppressing riots or disorder, on election days or at any other times, the said board or the said sheriff shall apply in writing or by telegraph to the commander-in-chief setting forth particularly the necessity for such aid, and if the emergency require, the said board or the said sheriff may, without waiting for a reply from the commander-in-chief, forthwith apply in writing or by telegraph to the commanding officer of the military or naval

organization most accessible; and all commanding officers in such cases, whether ordered out by the commander-in-chief or applied to as aforesaid by the said board or the said sheriff, shall forthwith assemble their command and take such action as the exigencies of the case may require to prevent the threatened disorder or opposition to the laws, or to suppress the riot or disorder, and in the execution of such duty, such troops shall be deemed to be on detached service and shall not be subject to the orders of any superior officer except the commander-in-chief, who may, in his discretion, in the cases provided for in this section and in all other cases of internal disturbance, war or invasion, delegate, assign, and order the adjutant general of the State, or some other competent ranking officer, to assume command of such troops; and the adjutant general or other officer having assumed the command as herein provided for shall have full power and authority to do and to act in all respects as the Governor and commander-in-chief could or might do in the premises; and during the time the adjutant general shall so be in command, he shall, in lieu of the pay of his office as adjutant general, be entitled to pay at the same rate per diem that commanding officers of his rank receive in the service of the United States.

#### 4. MAINTENANCE AND EQUIPMENT.

1896, ch. 89.

**35.** The general appropriation for the militia shall be exclusively applied to the necessary and contingent expenses of the adjutant general's office and to the maintenance of the national guard enlisted and organized as provided in this article.

Ibid.

**36.** Whatever sum of money is now or may hereafter be appropriated by the General Assembly of Maryland for the militia known as the "Maryland National Guard," shall be distributed and applied on warrant of the adjutant general, under and by direction of the Governor and commander-in-chief, to the respective organizations constituting said Maryland National Guard, so as to promote the military efficiency of all of said respective organizations, without distinction, as the same may be

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needed by them respectively, except that the amount appropriated for the first naval battalion, and that amount only, shall be distributed and applied as aforesaid to and for the use of said naval battalion so as to promote the efficiency and discipline thereof; and it shall be the duty of the commanding officer of each regiment and separate organization to receive, or to designate and appoint some other officer as treasurer or fiscal officer to receive, such monies as may be allotted to such regiment or separate organization respectively, and such commanding officer, or treasurer or fiscal officer designated by him as aforesaid shall make quarterly reports under oath, with vouchers, to the adjutant general, through the regular channels, setting forth the details of the disbursements of the said monies; provided, that all warrants for such monies shall pass down through the regular military channels, and that no warrant shall be issued to any regiment or separate organization except on the requisition of the commanding officer thereof; and, provided further, that such requisition shall be approved by the superiors in rank, in regular order, of the officer making the requisition, as proper and necessary for the maintenance or efficiency of said regiment or separate organization; proper allowance, however, shall be made to the headquarters of the brigade and of the respective regiments and separate organizations for necessary and proper outlays and expenses in inspecting said commands and in the maintenance of discipline and efficiency.

1896, ch. 89.

**37.** The commanding officer of each regiment or separate organization, or such other officer as may be by him designated as treasurer or fiscal officer thereof as above provided, shall give a good and sufficient bond to the State of Maryland, to be approved by the adjutant general, for the full and true performance of his duties under section 36 of this article as disbursing officer.

*Ibid.*

**38.** If the said disbursing officer shall fail to fully and properly report to the adjutant general said quarterly payment to him by the succeeding quarter day, then it shall be the duty of the Governor, the commander-in-chief, to direct the withholding of

any further payment of said money to said commanding officer until said officer shall report as aforesaid to the adjutant general.

1896, ch. 89.

**39.** The adjutant general shall keep accounts showing the disposition of all monies by him received and disbursed, whether out of the appropriation made by the General Assembly of Maryland, or out of the appropriation received from the United States government, as follows: General payments and expenses, such as affect and pertain to the Maryland National Guard as a whole, shall be kept in one general account, but the items of such general expenditure shall in no case be sub-divided in the accounts as if the same had been furnished or paid especially to said respective organizations, nor shall such general items be charged to said organizations in their separate accounts. In addition to the said general account of general payments, he shall likewise keep separate accounts with each regiment and separate organization, wherein shall be specified only the money and material actually distributed to each respective organization. The adjutant general shall make annually to the Governor, before the first day of January in each year, and likewise to the General Assembly at each session, a detailed itemized report of all sums of money disbursed by him to the said Maryland National Guard from whatever source received, specifying the amounts disbursed for the guard as a whole and to or for each regiment and separate organization, and for what purpose so paid, and he shall likewise publish annually for the information of said Maryland National Guard and for the public, said report so by him to be made as aforesaid. All commissioned officers of the Maryland National Guard shall have access at all reasonable times to said accounts, and the commanding officer of the brigade, or the commanding officer of any regiment or separate organization applying through him to the comptroller of the State shall have the right to ascertain from the books of the State comptroller the amount of disbursements made from time to time, and to whom made, and upon what warrants the same have been paid.

Ibid.

**40.** The State military board, to be composed of the adjutant general, comptroller of the treasury and State treasurer, shall

meet on the first Mondays of March and September in each year, and at such other times as the adjutant general, who shall be the president of said board, shall deem necessary, upon notice by him to the remaining members of the board, for the purpose of auditing and adjusting all military claims incident to the organization, maintenance and discipline of the national guard, and which, on approval of said board endorsed thereon, shall be paid as herein provided.

1896, ch. 89.

**41.** No bill or allowance shall be paid unless said bill or allowance is itemized and its correctness duly sworn to or affirmed before an officer authorized by law to administer oaths and affirmations.

Ibid.

**42.** The commander-in-chief, within the limits of the appropriation by act of the General Assembly, shall authorize the adjutant general to furnish the necessary arms and equipments to such regiments and separate organizations of the Maryland National Guard as are authorized by this article; and the commanding officer of each company or the officer receiving the same shall give a good and sufficient bond to the State of Maryland, to be approved by the adjutant general, for the safe keeping and return of such arms and equipments; and said arms and equipments shall remain and continue to be the property of the State to be used for military purposes only, and shall be returned to the State when called for by the commander-in-chief; provided, however, that all arms, ammunition, equipments or other supplies directed to be furnished by the Governor under the provisions of this article shall be so furnished by contract made with the lowest responsible bidder upon public notice, unless an emergency shall require immediate action; and the officer making such contract shall certify the account with explicit vouchers and transmit the same, countersigned and approved by the Governor, to the comptroller for final settlement in the mode and manner prescribed in the constitution for the audit and payment of claims against the State.

Ibid.

**43.** Any officer receiving arms and equipments or other public property for military use shall be accountable for the

same and shall not be discharged from his obligation therefor until he has properly accounted for said arms and equipments or other property, either by receipt from his successor in command or some other officer authorized to receive the same, for the articles received by him in good order and condition, reasonable use and wear excepted, or by satisfactory proof to the adjutant general that any article not so accounted for has been properly expended in the service, or defaced, injured, lost or destroyed, without any default or neglect on his part; and if lost, defaced or destroyed through the misconduct of any person, that reasonable efforts have been made by him to recover or prosecute for the same; and it shall be the duty of the adjutant general to enter suit on the bond of any officer, in the name of the State of Maryland, for the value of such property as may have been defaced, injured, lost or destroyed, after being received by such officer, and which has not been properly accounted for by him as aforesaid; and the officer succeeding to the command of the company or of any separate organization shall be required to file a bond to the State, as hereinbefore prescribed, for the safe keeping and return of all property of the State in the possession of the said company or separate organization, upon the terms and conditions imposed upon the officer by whom said property was received.

1896, ch. 89.

**44.** Whoever shall wilfully or maliciously destroy, injure or deface any arms or other article of military property belonging to the State, shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding double the amount of the value of the property so injured or defaced, to be recovered on complaint of the adjutant general or the commanding officer of the regiment, company or separate organization to which such arms or other article of military property shall have been issued, in the same manner as is prescribed for the collection of fines in section 27 of this article, or by imprisonment in the county or city jail for not less than two weeks nor more than two months.

Ibid.

**45.** Whoever shall secrete, sell, dispose of, offer for sale, or in any manner pawn or pledge, or receive in pawn or pledge, or

buy any arms or equipment or other property furnished to any organization of the Maryland National Guard, the property of the State or of any such organization, without proper authority, shall be deemed guilty of a misdemeanor and shall, on conviction thereof in any court having criminal jurisdiction in the State of Maryland or before any justice of the peace of the State of Maryland in the county or city where the offense has been committed, be punished by imprisonment in the city or county jail for not less than six months nor more than one year or by a fine of not less than fifty nor more than one hundred dollars, to be recovered as provided in section 27 of this article.

1896, ch. 89..

**46.** The commander-in-chief may authorize the adjutant general or the commanding officers of the regiments and separate organizations, provided for in this article, under such rules and regulations as he may prescribe, to rent suitable and convenient places for armories and places of drill and deposit and safe keeping of arms, equipments, and other property furnished by the State for military purposes to the said regiments or separate organizations.

Ibid.

**47.** All certificates of membership of any regiment or separate organization provided for in this article shall be signed by the commanding officer thereof; which certificates shall be issued on or before the first day of April in each year to such persons as may then compose the uniformed and active members of said regiment or separate organization. Every such regiment or separate organization may receive and have as many honorary members as it has active and uniformed members, and no more, on payment in advance by each person desiring to become such honorary member of not less than ten dollars per annum, which said money shall be received by the commanding officer of the regiment or separate organization and be by him applied to such purposes as may be authorized by the by-laws of said regiment or separate organization; and the commanding officer of every regiment or separate organization shall, on or before the first day of June and December of each year, render to the adjutant general an account of the money so received and expended by him;

and every such honorary member shall be entitled to receive a certificate of honorary membership of the regiment or separate organization to be signed as aforesaid and bearing date at the time of its issue, which certificate of membership, whether of uniformed and active members or of honorary members, shall exempt the person therein named from jury duty for the period of one year from the date of his said certificate; provided, he files his said certificate with the clerk of the court before the drawing of the jury.

1896, ch. 89.

**48.** The term "separate organization" as used in this article shall be held to designate a military or naval organization of the Maryland National Guard unattached to a regiment.

Ibid.

**49.** The separate organization in the city of Baltimore, known as the veteran corps of the 5th Regiment Infantry M. N. G. shall be entitled to all the rights and privileges conferred by this article, except that said veteran corps shall not share in any appropriation made for the support of the national guard.

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## ARTICLE LXVI.

### MORTGAGES.

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| <p>23. Certain mortgage sales made valid.</p> <p>24. When court may enter decree <i>in personam</i> for deficiency on mortgage sale; proviso.</p> | <p>25. Presumption of ownership and of payment, in cases of promissory notes and other instruments and debts secured by mortgage in favor of holder of record title.</p> |
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1890, ch. 187.

**23.** Any and every sale of real estate or personal property heretofore made between the first day of January eighteen hundred and sixty, and the last day of December eighteen hundred and seventy eight, under or so intended and purporting to be a

power of sale contained in a mortgage authorizing the mortgagee, his executors, administrators or assigns or any person to be named by him or them, or authorizing the mortgagee, his successors or assigns or any person to be named by him or them, or when the mortgage contains terms or expressions of like character or similar import, authorizing a sale, and made by a person other than the mortgagee, his successors or assigns, or his or their executors or administrators and by a person subsequently to default nominated and appointed by the mortgagee or his successor or his assigns, or his executors or administrators or their assigns, by power of attorney as the person to make said sale by virtue of the authority supposed to be contained in said mortgage, and by virtue of authority supposed to be conferred by section five of article sixty-four of the Code of Public General Laws of eighteen hundred and sixty, now embodied in section six of article sixty-six, title "Mortgages," to which this is an additional section, and which said sale has been duly reported to the court having jurisdiction in such cases and by said court after order *nisi*, and due publication thereof or other proper legal proceeding finally ratified and confirmed is hereby made valid and effectual to all intents and purposes as fully as if the person so making said sale had been named in said mortgage as the person to make said sale or to execute said power of sale, and this section shall apply to all cases whether the person making said sale was named by a mortgagee being a natural person or by a mortgagee being a body corporate.

*Madigan v. Workingmen's P. B. and L. Asso.*, 78 Md. 321.

1892, ch. 111.

**24.** If upon the sale of the whole mortgaged property by virtue of a power of sale contained in the mortgage under the provisions of this article, the net proceeds thereof, after the costs and expenses allowed by the court are satisfied, shall not suffice to pay the mortgage debt and accrued interest, as the same shall be found and determined by the judgment of the court upon the report of the auditor thereof, the court may upon the motion of the plaintiff, the mortgagee or his legal or equitable assignee, after due notice by summons or otherwise, as the court may direct, enter a decree *in personam* against the mortgagor or other party to the suit or proceeding, who is liable

for the payment thereof, for the amount of such deficiency; provided, the mortgagee or his legal or equitable assignee would be entitled to maintain an action at law upon the covenants contained in the mortgage for said residue of said mortgage debt so remaining unpaid and unsatisfied by the proceeds of such sale or sales; which decree shall have the same effect and be a lien as in the case of a judgment at law, and may be enforced only in like manner by a writ of execution in the nature of a writ of *fiery facias* or by attachment or otherwise.

1892, ch. 392.

**25.** The title to all promissory notes, other instruments hereafter made and debts hereafter contracted, secured by mortgages or deeds in the nature of a mortgage shall from and after the maturity of such notes, other instruments or debts be conclusively presumed to be vested in the person, persons, or body corporate holding the record title to such mortgage or deed in the nature of a mortgage, and if such mortgage or deed in the nature of a mortgage is duly released of record, the promissory note, other instruments or debt secured by such mortgage or deed in the nature of a mortgage shall after the maturity of such promissory notes, other instruments or debt be conclusively presumed to be paid, so far as any lien upon the property conveyed by said mortgage, or deed in the nature of a mortgage is concerned.

Demuth v. Old Town Bank, 85 Md. 323.

26-27-28 added 1900 ch. 457 (annual crops & rents)

## ARTICLE LXVIII.

### NOTARIES PUBLIC.

2. Bond of notary. Number of notaries in each county.

1894, ch. 412.

**2.** Each notary public shall, within thirty days from the time of his appointment, give the bond prescribed in section 24 of article 35 of the code of public general laws; and each county

of the State shall be entitled, on application, to at least two notaries public, to be appointed as aforesaid by the Governor; and in case of an appointment, on application, during the recess of the Legislature, the Governor shall submit said appointment to the Senate for confirmation or rejection, as in case of appointments to fill vacancies during the recess of the Legislature.

## ARTICLE LXX.

### OFFICIAL OATHS.

5 A. District school trustees shall take oath.

1894, ch. 110.

5 A. District school trustees shall take and subscribe the oath or affirmation of office prescribed by the constitution, before the county school commissioner and examiner or a justice of the peace, in their respective counties.

## ARTICLE LXXI.

### ORDINARY AND INN-KEEPERS AND RETAILERS.

- |  |   |
|--|---|
| <p>7. Hotel and inn-keepers shall have a lien upon baggage etc, for non-payment of board and lodging.</p> <p>8. Boarding house keepers to have lien upon personal effects of</p> | <p>boarders or lodgers for board and lodging—sale of such effects for satisfaction of lien.</p> <p>9. Married woman to have same rights and powers under section 8 as <i>feme sole</i>.</p> |
|--|---|

1898, ch. 217.

7. For the price or value of any food or accommodation furnished to any person at any hotel, boarding house, inn or ordinary in this State, the proprietor or keeper of such hotel, inn or

ordinary shall have a lien upon all baggage and other property belonging to or under the control of such person and in such hotel, boarding house, inn or ordinary, and may keep possession of the same until the price or value of such food or accommodation shall have been fully paid, whether then due or to become due; and for the purpose of collecting the said debt after the same shall have been due for a period of fifteen days may sell such baggage or other property for cash at public sale, upon giving notice of the time, place and terms of sale by advertisement published at least twice in one or more newspapers published in the city or county wherein the said hotel, inn or ordinary is situated, the first publication to be not less than ten days before such sale, and the proceeds of sale to be applied, after payment of expenses, to the discharge of such indebtedness, and the balance, if any, to be paid over to the person or persons entitled thereto.

1892, ch. 590.

8. Any person taking boarders or lodgers into his house and renting to them a room or furnishing them with board or both shall have a lien upon any personal effects, goods or furniture brought upon the premises in pursuance of such contracting for room or board, and it shall be lawful to take and retain possession of the same until such board or lodging shall have been fully paid for whether due or not; and such personal effects, goods and furniture may be sold upon reasonable notice of not less than ten days after the debt for such board or lodging shall have become due and payable at either public or private sale to satisfy such debt, the proceeds after paying expenses of such sale to be applied in liquidation of such indebtedness, and the balance if any paid over to such debtor.

Ibid.

9. A married woman may as landlady and proprietress contract with any one entering her house for board or lodging or both, and have and pursue the legal remedies given in section 8 the same as if she were a *feme sole*, and shall further have and enjoy all the powers, rights and remedies with respect to the renting, keeping and conducting of such boarding or lodging house as if she were a *feme sole*, and it shall not be necessary for her husband to join in any contract with reference thereto.

## ARTICLE LXXII.

## OYSTERS.

**Tonging.**

1. Tonging license. Limit of such license.
2. What such license shall state. Cost of license.
3. Oath of applicant for license.
4. Comptroller to furnish blank licenses; clerk to account for licenses issued and return unused licenses. Fees to be placed to credit of "Oyster Fund." When licenses shall expire.
5. Penalty for catching oysters without license.
6. Catching oysters with rakes or tongs, unlawful, in what waters. Penalty for such misdemeanor.

**Culling.**

7. Provision in regard to culling oysters.
8. Penalty for possessing uncultured oysters.
9. Measurement of oyster cargo. Duty of inspector.
10. Vessel to be kept at wharf until the cargo is inspected. Form of certificate to be given by inspector. Penalty for violating this provision.
- 10 A. Purchaser to deduct value of excess of uncultured oysters.
11. Penalty for evading in any manner the provisions of this article.
12. Measurers and inspectors to enforce these provisions.
13. Penalty for refusing to allow inspection.

**Time for Taking Oysters.**

14. Time when it shall not be lawful to catch oysters; proviso.
15. Penalties prescribed for violation of sections 7, 8, 12, 14, and 15.
16. Catching oysters on Sunday or at night, unlawful; penalty.
17. Disposition of fines under the provisions of this article.

**Dredging.**

18. Using steamer in catching oysters, unlawful; penalty.
19. Dredging license. Exempted waters. Transfer of license in case of sale of boat.
20. Dredging on unlicensed vessels. unlawful. Scoop or dredge on board such vessel shall be *prima facie* evidence.
21. Oath of owner of boat. Penalty for violating this provision.
22. Cost of boat license. Commander of State fishery force to inspect vessel. Proviso.
23. Penalty for violating provisions of sections 18 to 20 inclusive.
24. Arrest of offenders.
25. What firearms may be allowed on vessels. Penalty for violation.
26. Sheriffs and constables to arrest any person violating these provisions and seize boat.
27. When vessel shall be forfeited. Sale of vessel. Application of proceeds of sale. Proviso. Right of appeal. Persons having lien may file petition.
28. Sale of boats of non-residents. Proviso.

**Oyster Fund.**

29. "Oyster Fund," what money are to be placed to the credit of such fund.

**Painted Numbers for Dredging Vessels.**

30. License numbers. Penalty for violating provision regarding these numbers.

**Dredging in Exempted Waters.**

31. Sailing in exempted waters unlawful. Officers to arrest offenders.

**State Fishery Force.**

32. Amunition for guard boats, to carry out this provision.
33. Waters to be divided into seven districts. Counties included in each district. Guards for each district.
34. Board of public works to appoint commander and deputies of fishery force. Term of office. Penalty for failure to discharge duty. Who may not be eligible for said offices.
35. Removals for neglect of duty.
36. Powers of the board of public works in the matter of reducing the expenses of the State fishery force.
37. Vessels to be constantly on duty.
38. Duty of deputy commanders.
39. Oath and bond of officers of the State fishery force.
40. Salaries of the various officers of the State fishery force.
41. Officers and crews to furnish uniforms at their own expense.
42. Allowance for rations.
43. Duties of officers of the oyster police force.
44. State fishery force to enforce all laws relating to fish.
45. Commander to have control of force, to keep accounts and

make report to board of public works. Clerks to said commander—his salary.

**Locating Oyster Lots.**

46. Private oyster planting. Notice to owner. Marking off beds. These provisions not to apply to non-residents.
47. Exclusive right to creeks 100 yards or less in width.
48. Waking bedded oysters, unlawful. Penalty for violating sections 47 and 48.
49. Right of appeal.

**Craighill Channel.**

50. Dredging near Craighill channel unlawful. Penalty.

**Potomac.**

51. Only citizens of Maryland or Virginia shall take oysters or fish in the waters of the Potomac. Penalty for violation.
52. When unlawful for citizens of Maryland or Virginia to take oysters in Potomac. Penalty for violation.
53. When lawful for said citizens to take oysters in said waters. Prosecution for violation.
54. Penalties for violating sections 51 to 53.
55. Recovery of penalties.
56. Compact of 1785 not to be impaired by these provisions.

**General Measurers and Inspectors.**

57. General measurers and inspectors of oysters. Bond.
58. Licensed oyster measurers. Fee for license. Fee for measurement. Penalty for violating provisions of this section.
59. Inspection districts.
60. Duties of general measurers.

61. Suspension of licensed measurers; proviso.

62. Salaries of general measurers. Tax for payment of said salaries. Penalty for refusal to collect or pay said tax. When appointments of general measurers are to be made.

63. Rules for measurement of oysters. Penalty for violating said measurements.

64. Penalty for charging more than one-half cent per bushel.

#### Exempted Waters.

65. Waters in which catching oysters shall be unlawful. Not applicable to Dorchester county.

#### Packing Oysters.

66. Packer's license. Cost of said license. Duty of licensee.

67. Penalty for canning without license.

67 A. Commission merchant's license—cost. Penalty for selling without license.

#### Shucking Oysters.

67 B. Provisions regarding oysters shucked by the gallon.

#### Comptroller's Duties.

68. Comptroller to furnish all forms of application, license, reports returns and other blanks. Worcester county exempt from provisions of this article.

#### Tonging.

1894, ch. 380.

1. Any resident of this State desiring to catch or take oysters with rakes or tongs, for sale in any of the waters of this State, shall first obtain by application to the clerk of the circuit court for the county wherein he may reside, a license therefor, and such license shall have effect from the first day of September, in the year in which it may have been obtained, to the twenty-fifth day of April, inclusive, next succeeding; provided, that such license shall not authorize the taking or catching of oysters in any creek, cove, river, inlet, bay or sound, within the limits of any county other than that wherein the license shall have been granted, and that the boundaries of the counties bordering on navigable waters shall be strictly construed so as not to permit the residents of either county to take or catch oysters beyond the middle of the dividing channel; provided, that nothing in this section shall be so construed as to prevent the citizens of Queen Anne's and Kent counties from using the waters of the Chester river in common, or the citizens of Dorchester and Wicomico counties from using the waters of Nanticoke river in common, or the citizens of Queen Anne's and Talbot counties from using the waters of Wye river and the mouth thereof in common, or the citizens of Dorchester and Talbot counties from using the waters of the Choptank river in common; provided,

however, that the county commissioners shall be authorized to give special permission to any woman who has no visible means of support, to take and catch oysters without license ; provided, also, that boys under fifteen years of age shall not be required to license.

1894, ch. 380.

2. Each and every license to take or catch oysters for sale with rakes or tongs, shall state the name, age and residence of the person to whom the same is to be granted, the number and the county in which the same is to be used, and every applicant for such license shall pay to the clerk of the circuit court, when such license may be granted and before the issuing and delivery of the same, the sum of three and a-half dollars, except boys under fifteen years of age, the clerk to receive twenty-five cents for each and every tonging license so issued as a fee for issuing the same, including administering the oath when required ; two-thirds of the amount received for tonging licenses, shall be paid by the clerk to the school commissioners for the use of the public schools in the respective counties where such licenses are issued, and of this amount the portion received from white tongers, to go to the white schools, and the portion received from the colored tongers, to go to the colored schools, and the remaining one-third to be paid over by the clerk to the Comptroller of the State treasury, to be credited to the "Oyster Fund."

Ibid.

3. Every applicant for license to take or catch oysters with rakes or tongs shall be required to make oath or affirmation before the clerk authorized to issue the same, or some justice of the peace, on whose certificate of the taking of such oath or affirmation the clerk shall issue said license that the facts set forth in said license are strictly true ; that he has been a *bona fide* resident of the county for twelve months next preceding his application for said license ; that he desires and intends to use said license in the county in which he resides, or the waters used in common, as herein provided in this article, and that he will comply with and obey all the laws of this State, regulating the taking or catching of oysters.

1894, ch. 380.

4. The comptroller of the treasury shall cause to be printed and delivered to the clerks of the circuit courts for the several counties the requisite number of such blank licenses, and take receipts for the same as for other licenses furnished; and said clerks shall, on the first Monday of March and December of each year, return to the comptroller a list and account of such licenses issued by them, and at the end of each tonging season, shall return all unused licenses to him, and shall pay over to the comptroller one-third of the amount received by them for such licenses, which amount the said comptroller shall place to the credit of the "Oyster Fund;" and no license to take or catch oysters with rakes or tongs shall be used on any boat or vessel which is licensed to take or catch oysters with scoop, drag, dredge or any similar instrument during the season for which such boat or vessel is licensed; and all licenses shall expire at the end of the season.

Ibid.

5. If any person shall take oysters with rakes or tongs, for sale, without first having obtained a license as required by the preceding sections of this article, he shall upon conviction thereof before a justice of the peace for the county wherein the offense has been committed, be fined not less than twenty nor more than one hundred dollars, and stand committed to the county jail till all costs and fines are paid; and in any such case the boat or vessel used by him shall be forfeited, and may be condemned, in the discretion of the judge or justice of the peace, in the manner provided in section 23. All persons taking or catching oysters under the provisions of this article shall exhibit their authority for so doing when required by any officer of the oyster police force, or other officers of the State.

1898, ch. 117.

6. It shall be unlawful for any person who has obtained a license to take or catch oysters with rakes or tongs, to take or catch oysters in the waters of Talbot, Anne Arundel and Dorchester counties, or within one and a-half miles of Sandy Point, Hackett's Point, Tolley's Point, Thomas' Point, Holland's Island Bar and Three Sisters and Holland's Point Bar, with any implement or device other than ordinary rakes and tongs with

wooden shafts, to be used entirely by hand, and without any ropes or hoisting gear whatever. Any person or persons violating any one of the provisions of this section shall be liable to the penalties prescribed in the preceding section for taking oysters with rakes or tongs without license; and the waters within one and a-half miles of Sandy Point, Hackett's Point, Tolley's Point, Thomas' Point, Holland's Island Bar and Three Sisters and Holland's Point Bar, shall be held and considered to be within the limits of Anne Arundel county for the purpose of this section and article. This section shall not affect any violation of the pre-existing law, but every offense which has been wholly or partly committed against said law shall be dealt with, inquired into, tried, determined and punished, and any penalty in respect to any such offense shall be imposed or inflicted, and any fine in respect thereto shall be imposed, enforced and recovered as fully as if this section had not been enacted.

#### **Culling.**

1894, ch. 880.

7. All oysters taken from any of the waters of this State, either with scoops, dredges or any similar instrument or tongs or rakes, shall be culled upon their natural bed or bar as taken, and all shells shall be returned to the bed or bar from which they were taken, and all oysters whose shells measure less than two and one-half inches in length, measuring from hinge to mouth, shall be included in said culling and replaced upon said bed or bar as taken.

*Ibid.*

8. Any captain or other person in charge of any vessel, who shall have oysters in his possession which contain more than five per cent. of shells and small oysters, shall be guilty of a misdemeanor; and in ascertaining such percentage, the officer of the oyster police force is hereby authorized and directed to select such an amount of oysters contained in the pile, hold, bin or other place, as he may think necessary, and to cull or have culled the amount so selected.

*Ibid.*

9. It shall be the duty of any packer, commission man or other person, who shall purchase any cargo or part of a cargo of oysters,

to have the contents of every fiftieth tub, or measure, or any other tub or measure he may deem necessary, dumped on the deck of the vessel from which such oysters are being taken, and the same shall be kept away and separate from any other oysters or oyster shells; and any person disturbing or interfering in any manner with the oysters so dumped shall be guilty of a misdemeanor, and fined the sum of one hundred dollars; and after the whole cargo, or vessel load, or the quantity of oysters so purchased shall have been measured and ascertained, it shall thereupon be the duty of the inspector of oysters to proceed to separate from the oysters dumped on deck, as hereinbefore provided, all shells and oysters whose shells measure less than two and one-half inches in length from hinge to mouth; and he shall then proceed to measure the said shells and oysters whose shells measure less than two and one-half inches in length from hinge to mouth, and shall make a written memorandum of the number of bushels of oysters remaining after such separation, and shall ascertain as nearly as possible the exact proportion of shells and oysters whose shells measure less than two and one-half inches in length from hinge to mouth, to marketable oysters contained in the quantity dumped, as hereinbefore provided, and the percentage so ascertained shall be deemed, for the purpose of this article, to be the proper percentage of shells and oysters whose shells measure less than two and one-half inches in length from hinge to mouth, contained in the cargo or portion of a cargo so purchased; and if said percentage shall be more than five per cent. of the cargo or portion of cargo so purchased, then the said cargo shall be deemed to be unculted.

1894, ch. 880.

10. It shall be the duty of the captain or other person in charge of any vessel, from which oysters are being taken, as provided in section 9 of this article, to keep said vessel at the wharf or other place of delivery until the inspector of oysters shall have inspected the oysters dumped on deck, as provided for in the preceding section, and give a certificate in form following:

BALTIMORE, ———, 18—.

This is to certify, that I have this day inspected the oysters contained in the vessel ———, captain ———, delivered to

——, and found said cargo to contain —— per cent. of marketable oysters.

(Signed,) ——,

*Inspector of Oysters.*

And any violation of this section by any captain or other person in charge of any vessel shall be a misdemeanor, and he shall be fined the sum of one hundred dollars for every such offense.

1894, ch. 380.

**10 A.** It shall be the duty of any packer, commission man or other purchaser to deduct from the purchase price of every cargo or portion of a cargo, which contains more than five per cent. of undersized oysters and shells, as ascertained in accordance with the provisions of sections 9 and 10 of this article, a sum of money representing the value of the excess of undersized oysters and shells above five per cent., and it shall be the duty of any packer, commission man or other purchaser to pay the sum, so deducted by him, to the State of Maryland, which money shall become a part of the "Oyster Fund;" and every packer, commission man or other purchaser shall monthly make a sworn statement of the amount of money so deducted by him, which statement shall be forwarded on the first day of the month next succeeding the month in which such deduction shall have been made, to the treasurer of the State; and in default of said payment and statement as herein provided, said packer, commission man or other purchaser shall be deemed guilty of misdemeanor, and upon conviction thereof shall be sentenced to the county or city jail for thirty days; and in the event of any one making a false oath, the offender shall be indictable and punishable as is now provided for the crime of perjury.

*Ibid.*

**11.** Any packer, commission man or boatman who shall conspire or agree with any other person to evade any of the provisions of this article, or who shall knowingly connive at or participate in such violation, shall be deemed guilty of a misdemeanor, and on conviction before any court or justice of the peace having jurisdiction shall be fined not less than one hundred dollars nor more than five hundred dollars, or imprisoned in the

house of correction for not less than six months nor more than twelve months, in the discretion of the justice or judge trying the same.

1894, ch. 880.

**12.** It shall be the duty of the general measurers and inspectors of oysters and officers of the police force, to supervise the operation of this article, and diligently to aid in the enforcement of its provisions. Any packer, commission man or boatman who shall refuse to open his house or boat where oysters may be dumped or stored, for inspection by any officer whose duty it shall be to so inspect the same, or who shall conspire or agree with any other person to evade any of the provisions of this article relating to the culling of oysters, or who shall knowingly connive at or participate in such violation, shall be deemed guilty of a misdemeanor, and be subject to the penalties prescribed in section 15 of this article.

Smith v. School Commissioners, 81 Md. 515.

Ibid.

**13.** Any general measurer or inspector of oysters in this State, who shall knowingly permit any evasion or violation of this article to take place without causing the arrest of the offender, shall be guilty of a misdemeanor, and upon conviction of the same, shall be dismissed from the service, and be fined not less than fifty dollars nor more than three hundred dollars, in the discretion of the court or justice of the peace.

#### **Time for Taking Oysters.**

1894, ch. 880.

**14.** It shall be unlawful for any person or persons to take or catch oysters, or have oysters in his or their possession, between the twenty-fifth day of April and the first day of September, in each and every year; provided, that oysters caught before the twenty-fifth day of April may be disposed of at any time before the thirtieth day of April; provided, that this section shall not prevent transportation companies from carrying oysters brought from other States; nor hotel and restaurant keepers or private persons from purchasing oysters outside of the State of Maryland; nor shall it be construed to prevent any person from

taking oysters for private use, or transplanting or cultivating, not for sale, at any time from his private beds within the State. Persons violating the provisions of this section shall be deemed guilty of a misdemeanor.

1894, ch. 880.

**15.** Any person who shall violate any provisions of sections seven to fifteen, inclusive, of this article, except sections nine, ten, ten A, eleven and thirteen, where the penalty is prescribed, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court or justice of the peace, shall be fined not less than twenty-five dollars nor more than three hundred dollars, in the discretion of the court or the justice of the peace by which such person shall be tried, or imprisoned in the county or city jail, or in the house of correction for not less than one month nor more than twelve months, in the discretion of the judge or justice of the peace trying the same; provided, however, that any owner, master or person in charge of a canoe, boat or vessel used in taking or catching oysters with rakes or tongs, who shall be convicted of having in possession on said canoe, boat or vessel oysters containing more than five per cent. of shells and small oysters, as provided in section eight, shall be fined a sum not less than ten dollars nor more than fifty dollars, in the discretion of the judge of the court or the justice of the peace before whom such person shall be tried; and one-half of every fine imposed for a violation of this section shall be paid to the informer unless he be an officer of the State fishery force.

Ibid.

**16.** It shall be unlawful for any person to take or catch oysters on Sunday or at night; and any person violating this section shall, on conviction thereof, be fined a sum of not less than fifty dollars nor more than three hundred dollars, or sentenced to the house of correction for a period of not less than three months nor more than one year, or forfeit the boat, vessel or canoe used in violation of this section, in the discretion of the judge or justice of the peace trying the case.

Messick v. State, 83 Md. 585.

1894, ch. 880.

17. The fines accruing under any of the provisions of this article shall be paid by the sheriff, constable or officers of the State fishery force collecting the same within ten days, to the clerk of the circuit court for the particular county where such fine may accrue, or to the clerk of the Criminal Court of Baltimore, if such fine shall accrue in said city; and it shall be the duty of the State's attorney for the several counties and for the city of Baltimore to keep an account of said fines imposed and to make a monthly report thereof to the clerk of the circuit court for their respective counties, or to said clerk of the criminal court, as the case may be, and to see that said fines are duly collected and paid over as aforesaid; and the surplus, after paying all costs for prosecution in such cases, shall be paid to the State Comptroller for the use of the "Oyster Fund," with a statement of the fines imposed and costs of the same; the justice of the peace or clerk of the court which imposes said fine, in any and every case shall, in writing, inform the comptroller of the treasury of the fine, upon whom laid, and the amount of said fine, with date of same. Any one who shall violate any provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof before any judge or justice of the peace in this State, shall be fined not less than twenty-five dollars nor more than three hundred dollars, in the discretion of the court or justice of the peace before whom such person shall be tried, or imprisoned in the county jail for not less than one month nor more than six months.

**Dredging.**

1894, ch. 880.

18. No steamer shall be used or employed in catching or taking oysters in the waters of the State with scoop, dredge or similar instrument; and no other boat shall be used in catching oysters with scoop, dredge or similar instrument, without first having been licensed as hereinafter provided.

Ibid.

19. The comptroller of the treasury shall, upon application of any person who has been a resident of this State for twelve con-

secutive months next preceding such application, issue a license to such resident, and to no other person, to employ such boat in taking or catching oysters with scoop, dredge or similar instrument within the waters of Chesapeake bay, Potomac river and in Eastern bay, outside of a line drawn from the southwest corner of second Kent point to Wade's point; provided, that nothing herein contained shall authorize the taking or catching of oysters with scoop, dredge or similar instrument, on any oyster bar within one and a half miles of Tolley's point, Sandy point, Hackett's point, Thomas' point, Holland's island bar and Three Sisters, nor within one and one-half miles of Holland's point bar nor of Swan point bar, nor between Poplar island and the mainland of Talbot county, south of a line drawn from the north point of Poplar island to Lowe's point on the mainland, nor north of a line drawn from the end of south bar of Poplar island to Paw Paw cove on Tilghman's island nor within one-fourth of a mile west of Poplar island, nor within one-half of a mile of Plum point, nor within the boundary lines of any county, unless herein otherwise specified; which license shall hold good for one season only, and shall only authorize the catching of oysters between the fifteenth day of October and the fifteenth day of March, on which day the dredging season shall end, and the license expire; but it shall be lawful for the owner of any such licensed boat, whenever said owner shall sell and convey by bill of sale, for a *bona fide* consideration, said boat unto any person who has been a resident of the State of Maryland for at least one year, to transfer said license to said vendee, with said boat, which license, when transferred shall entitle said vendee to the same privileges for catching or taking oysters, with said boat in the waters of this State, that the original vendor or assignor had had before said assignment; provided, said vendee and assignee shall appear before the comptroller of the treasury and make oath before him to all the facts, matters and things required of said original vendor or assignor, before taking out such license, upon which said license the said comptroller shall certify in writing the fact of said vendee or assignee having taken said oath, for which said certificate the said vendee or assignee shall pay to the said comptroller the sum of five dollars for the use of the "Oyster Fund." The provisions of this section in relation to the time of taking

oysters, the time of expiration of license, and the transfer of ownership shall apply to all vessels licensed by any county in this State, to take and catch oysters with scrape or scoop, and any law, general or local, in conflict herewith, shall be void and of no effect.

1894, ch. 380.

**20.** It shall not be lawful for the owner or master or any person on board of a vessel in this State to affix any crank, spool, winder or other machinery or equipment for operating or handling scoops or dredges, or to have on board any vessel a scoop, scrape or dredge, with intent to affix the same to said vessel for use in taking or catching oysters, without having first obtained a license to take or catch oysters with a scoop or dredge, as aforesaid; and the fact of having such scoop, dredge or scrape on board of any vessel shall be *prima facie* evidence of an intent to use the same contrary to this section.

1896, ch. 418.

**21.** The owner of such boat shall make oath before the comptroller or his clerk, or if the owner be a resident of Baltimore city, he may make oath before the clerk of the court of common pleas, or if a resident of a county, he may make oath before the clerk of the circuit court for said county, at the same time exhibiting his custom house license to said officer, before whom he makes the oath, that he is the *bona fide* owner of such boat described in the license; that he has been a resident of the State, for the time hereinbefore prescribed; that there is no lien on said boat, held by a non-resident, directly or indirectly, and that the said boat is not held, and shall not be knowingly used with an intention to violate or evade provisions of this article, and such applicant shall produce before the comptroller, at the time of making such application, the certificate of the taking of such oath, and the gross custom house tonnage, which gross tonnage the owner shall swear to, and shall further make oath that before the measurement of said vessel by the custom house officers, the said vessel was not dunnaged, so as to evade the just and proper measurement of tonnage of said vessel, with a view of evading a proper and just sum for the licensing of said vessel. The master of such boat shall also make oath before the comptroller

or his clerk, or if a resident of Baltimore city, before the clerk of the court of common pleas, or before the clerk of the circuit court for the county wherein he may reside, that he has been a resident of the State for the twelve months next preceding the time of taking such oath. Any one violating this section shall be deemed guilty of a misdemeanor, and upon conviction before a judge of the criminal court of Baltimore city, or a judge of the circuit court for the county, or a justice of the peace having jurisdiction, as the case may be, shall be fined a sum not less than fifty dollars nor more than three hundred dollars, or imprisoned in the house of correction for a period of not less than three months or more than six months, or both, in the discretion of the judge or justice of the peace.

1896, ch. 418.

**22.** Before granting such license, the comptroller shall receive two dollars and eighty-five cents for every gross ton the boat shall measure, and in case any license is issued by the authority of any county, the clerk of the circuit court for the county shall receive for such license from the applicant, one dollar and ninety cents per gross ton for every gross ton the boat may measure, except that when the license is issued by authority of any county the license fee shall be eight dollars for all boats of five gross tons measurement and under, said measurement to be the gross tonnage of custom house measurement; but no allowance or deduction shall be made or allowed by reason of dunnaging; and it shall be the duty of the commander of the State fishery force, and any officer under his command, at any time he or they shall deem it proper, to inspect and verify the measurement of any boat and its gross tonnage; and the measurement ascertained by such officer shall be conclusive and final, and any license granted shall be corrected or amended in accordance with such measurement, and the appropriate license fee hereinbefore named, paid in accordance with such measurement, and the right granted by any license already issued shall be suspended until the full payment of such license fee is completed; provided, that persons applying for scraping license for boats to dredge in the Chesapeake bay, after the first day of January to the fifteenth day of March, shall be required to pay only one dollar and fifty

cents per gross ton to the comptroller of the State for such license, and any law, general or local, in conflict herewith, shall be void and of no effect.

1894, ch. 380.

**23.** Any master or person in charge of any vessel, who shall violate any of the provisions of the preceding sections, from eighteen to twenty, inclusive, by taking oysters unlawfully, shall be deemed guilty of a misdemeanor, and upon indictment and conviction in any circuit court in this State, or in the Criminal Court of Baltimore, before which such case is tried, shall be sentenced to the house of correction for a term not less than three months nor more than one year, and the boat or vessel used in such violation, together with the papers, furniture and tackle on board of said boat or vessel at the time of said violation, shall be forfeited, but shall be released upon the payment of not less than one hundred dollars nor more than five hundred dollars and costs and expenses for each and every violation of the preceding sections, in the discretion of the court.

Ibid.

**24.** Upon information given under oath to any judge of the circuit court or justice of the peace, of any violation of any of the provisions of this article, he shall issue his warrant to the sheriff or any constable, requiring any of them to whom it may be directed to summon a *posse comitatus*, if necessary, and proceed forthwith to arrest the party or parties alleged to have been engaged in the violation of this article, and to seize and take possession of any boat, canoe or vessel, together with all her tackle and apparel on board of the same, and deliver the same to the judge of the circuit court or a justice of the peace of this State, to be dealt with according to the provisions of this article; provided, that any justice of the peace, before whom any person is brought, charged with a violation of any of said sections of this article, the punishment for which is imprisonment in the house of correction, shall grant the parties charged a speedy hearing, and if in his judgment the facts appear to warrant a conviction, he shall hold the parties charged for their appearance before the grand jury of the county for which he is appointed at the succeeding term of the circuit court.

1894, ch. 880.

**25.** It shall not be lawful for the owner or master or any person on board of or having control over any boat or vessel licensed to catch or take oysters in the waters of this State with scoop, dredge or similar instrument, to have or permit to be kept on such boat or vessel, any cannon, howitzer or any piece of ordnance, or any swivel, musket, rifle or other piece or species of fire-arms larger than a pistol, except two-shot guns not larger than a number ten gauge, and not to use larger than number one shot; any person who shall offend against any of the provisions of this section, or who shall resist any officer authorized under this article to make arrests while such officer is in discharge of his duties hereunder, shall be deemed guilty of a felony, and upon indictment and conviction thereof in any court having jurisdiction, shall be punished by a fine of not less than fifty dollars nor more than two hundred and fifty dollars, and imprisoned in the house of correction for a term of not more than six months, in the discretion of the court; any person who shall discharge any species of fire-arms at or toward any officer authorized under this article to make arrests, whilst such officer is in discharge of his duties hereunder, or at or towards any vessel upon which such officer shall be whilst in the discharge of his duties hereunder, shall be deemed guilty of a felony, and upon indictment and conviction thereof in any court having jurisdiction, shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, and shall be confined in the penitentiary for not less than one year nor more than two years, in the discretion of the court.

Ibid.

**26.** It shall be the duty of the sheriff, constable or officers of the State fishery force to arrest any person and to seize any canoe, boat or vessel found violating any of the provisions of this article, and bring the offender or offenders before a judge of a court having criminal jurisdiction, or a justice of the peace most convenient or accessible, to be dealt with as herein provided.

Ibid.

**27.** The judge or justice of the peace before whom any person or any vessel may be brought, charged with violating any of

the preceding sections of this article, shall either give the case or cases an immediate hearing, or at the instance of the party charged shall appoint some early day within the next ten days to hear the case, the party charged giving such good and sufficient bail as said judge or justice shall require for his appearance at the trial; and the said vessel shall be held and safely kept at the cost of the party charged or of the said vessel as the case may be; and in case the master, owner or other person in charge of said vessel, shall, or shall not be arrested, then the vessel used in violation of the provisions of this article shall be seized and the charge against the same shall be heard by the said judge or justice of the peace, and she shall be dealt with as hereinafter provided; and if the said master, owner or other person in charge of said vessel shall not appear after giving bail, as hereinbefore provided, then in either case the judge or justice of the peace may proceed to hear the case, and to determine whether or not the said vessel has been employed in violation of any of said sections; and any vessel so employed is hereby declared to be forfeited; and in case the said judge or justice shall find the vessel has been so unlawfully employed, then he shall declare the same to be forfeited, and shall so enter upon his docket, together with all her tackle, apparel, appurtenances, boats, sails and rigging; and he shall authorize and direct any sheriff, or deputy sheriff, to sell said vessel, together with all the apparel, tackle, boats and other things belonging thereto, at public auction, to the highest bidder for cash, after giving at least twenty days' notice of the time and place of said sale, printed in some newspaper published in the county in which the case may be tried; and the said officer shall be allowed the actual expenses of seizure, sale and keeping of said vessel and poundage fees; and the proceeds of said sale shall be first applied to the payment of all the costs, charges and expenses of the seizure, trial and sale of said vessel, and the balance of said proceeds, if any, shall be paid to the clerk of the court, as herein provided, and by him to the comptroller to the credit of the "Oyster Fund," unless a part thereof be remitted, as provided by section 23; provided, that the owner, or any other person having any mortgage or any other lien on the said vessel, shall in all such cases have the right of appeal to the circuit court at any time within sixty days after

judgment rendered ; and upon the trial of said appeal the court shall have the right to amend the warrant or any of the proceedings before the justice of the peace, so as to bring the case to trial upon its merits ; provided, that no new offense shall be charged ; and in case such an amendment shall work a surprise to defendant, he shall have further time to prepare for trial, and the rules governing amendments in cases originating in the said court shall govern such amendments so far as they are applicable ; and upon bond in an amount equal to the value of said vessel being given by the person praying the appeal, satisfactory to said justice, the said vessel may be released pending the said appeal. Any person or persons offering to stand bail for any person or persons charged under the provisions of this article shall be sworn by the judge or justice of the peace trying the same, as to his actual worth in unincumbered real estate, and if he swears falsely, upon proof of the same before any court of competent jurisdiction, shall be deemed guilty of perjury and subject to all the pains and penalties of the same ; the judge or justice, before the party is sworn, shall acquaint him or her with the pains and penalties of false swearing. Any person having a lien upon any vessel seized hereunder may file a petition, and the court, if the interests of justice will permit, may allow him a portion of said proceeds ; but in all such cases the court shall retain a sufficient sum to pay costs, charges, expenses and a reasonable and proper equivalent to a fine ; and amendment to the forms and procedure shall be allowed, as hereinbefore provided, in all cases of appeal from the judgment of justices of the peace.

1894, ch. 380.

**28.** Any boat, owned wholly or in part by any non-resident used in catching oysters in this State, with scoop, dredge or similar instrument, is hereby declared forfeited, and shall be condemned by order of any judge of a circuit court most accessible to the place of her capture, or if captured in Baltimore city, by order of the City Court, and shall be sold by the sheriff of the county where condemned or if condemned in Baltimore city by the sheriff of said city, to the highest bidder for cash, after twenty days' notice of the time and place of sale ; such notice to be published at least three times in a newspaper having the

largest circulation printed in Baltimore city or in the county where condemned; one-fourth of the proceeds of such sale shall be paid to the party making the capture, not including the officers and crews of the State fishery force, who shall receive no part of said fine, and the balance shall be paid into the treasury of the State, to be credited to the "Oyster Fund;" provided, however, that any person claiming an interest in such vessel shall have the right to make an appeal upon giving to the State a good and sufficient bond as required in such cases; provided, however, that when the *bona fides* of the owner of any vessel shall be called in question, the burden of proving such *bona fides* shall be upon those claiming to be such owners; and provided also, that upon taking such appeal and filing such bond, the said vessel shall be released from custody.

#### **Oyster Fund.**

1894, ch. 380.

**29.** All moneys received or obtained from dredging licenses issued under the provisions of the preceding sections of this article, and one-third of the moneys received from the county scraping licenses, and all fines, penalties or forfeitures imposed in pursuance thereof, shall upon the warrant of the comptroller, be paid into the treasury, and placed to the credit of a fund which shall be called "The Oyster Fund," and the same shall be kept separate and distinct from other funds in the treasury, and shall only be drawn upon for the purpose of maintaining sufficient and proper police regulations for the protection of fish and oysters in Maryland waters, and in the payment of the officers and men, and keeping in repair and supplying the necessary means of sailing the boats and vessels of the State fishery force; and the comptroller is hereby required to state in his annual report particularly the receipts and expenditures on account of said funds, and the balance standing to the credit of the State at the time of making such report.

Smith v. School Commissioners, 81 Md. 516.

#### **Painted Numbers for Dredging Vessels.**

1894, ch. 380.

**30.** The comptroller shall have painted in black figures on white canvass, two sets of numbers corresponding to the license

to catch oysters with scoop, scrape, dredge, or any other similar instruments; each figure shall be twenty-two inches in length, and of proportionate width, and the figures at least six inches apart; and he shall give to each person taking out such license, two numbers thereof, one of which shall be securely sewed upon the starboard side, and in the middle of that part of the mainsail which is above the close reef, and the other number on the port side in the middle part of the jib, which is above the bonnet and reef; these numbers shall be placed in an upright position, and worn at all times during the dredging season, and returned at the end of the season, and shall not be concealed or defaced, and no other number shall be exposed to view, or used, than that which is furnished by the comptroller. Any person who shall violate the provisions of this section shall be deemed guilty of a misdemeanor, as provided in section fifteen of this article; and in any such case the boat or vessel shall be forfeited and condemned, in the discretion of the judge, in the manner as provided in section twenty-seven. The provisions of this section shall apply to all boats licensed to take oysters with scrape or scoop by any county in this State, except that the numbers for such boats shall be painted red instead of black; and the numbers shall be delivered by the comptroller to the clerks of the courts as they may be ordered; and at the end of the season all licenses not used shall be returned by said clerks to the comptroller; and the said clerks shall also pay to the comptroller one-half of all moneys received by him for such licenses, which sum shall be placed to the credit of the "Oyster Fund."

Smith v. School Commissioners, 81 Md. 516.

#### **Dredging in Exempted Waters.**

1894, ch. 380.

**31.** If any boat or vessel shall be seen sailing on any of the waters of this State which are exempted from dredging by law, in the same manner in which they sail to take or catch oysters with scoop, scrape, drag or dredge or similar instrument, the said boat or vessel shall be pursued by any officer authorized by this article to make arrests, and if said boat or vessel apprehended by said officer, shall be found to have on board any wet oysters, or the dredges, or dredge line, or deck wet, indicating the taking of

oysters at said time, and properly equipped for taking or catching oysters with scoop, scrape, drag or dredge or similar instrument, such fact shall be *prima facie* evidence that the said boat or vessel has been used in violation of the provisions of this article; and it shall be the duty of the officer to arrest the person in command of said boat or vessel, together with all her equipments, and bring the same before a judge or justice of the peace of the county having jurisdiction, or if in the Chesapeake bay, in the county most accessible or convenient, to be dealt with according to law; provided, that nothing in this article shall be construed to prohibit vessels from seeking harbor in any waters of this State. The provisions of this section shall extend to all boats licensed to take oysters with scoop or scrape by any county of this State.

**State Fishery Force.**

1894, ch. 880.

**32.** The board of public works are empowered and directed to purchase for each of the guard boats such arms and ammunition as may be necessary to make them efficient, and the officers of such boats shall be authorized to use such arms, in their discretion, for the enforcement of the provisions of this article.

*Ibid.*

**33.** For the more efficient working of the State fishery force, the waters of this State shall be divided into seven districts, of which the waters of Kent and Queen Anne's shall be the first; the waters of Queen Anne's and Talbot shall be the second; the waters of Talbot and Dorchester, the third; the waters of Wicomico, the fourth, the waters of Somerset, the fifth; the waters of Anne Arundel, the sixth; the waters of St. Mary's, Charles and Calvert, the seventh; each of the said districts shall be guarded by one sailing vessel, except the second, which shall be guarded by two; and the third, which shall be guarded by four; and the sixth and seventh, which shall be guarded by two each; and it shall be the duty of the deputy commander of the first district to guard the waters of Chester river belonging to Queen Anne's county, and the waters of Kent county, including Swan point bar; and the duty of the first commander of the second district to guard the waters of

Eastern bay and its tributaries; and the duty of the second commander of the second district to guard the tonging reservation of Poplar Island narrows and the waters of Talbot county as far down as Black Walnut point; and it shall be the duty of one of the deputy commanders of the third district to guard the waters of Choptank river and its tributaries as far as Cambridge; and the duty of the second to guard the waters of Little Choptank river in Dorchester county; and the third to guard the waters of Fishing bay, Honga river, Tar bay, Hooper's straits, Holland's straits and waters of Dorchester county, up to the line dividing Dorchester county from the counties of Wicomico and Somerset; and the fourth to guard the waters of the Great Choptank river from Cambridge up as far as oysters grow, and the remaining commanders to guard their respective districts; provided, that the board of public works or the commander of the fishery force, are hereby authorized and empowered to order the deputy commander to do duty in any of the waters in the State, when, in the judgment of either, the same may be necessary.

1894, ch. 380.

**34.** The board of public works shall have power to appoint a suitable person to command said force; to appoint a deputy commander, who shall command either steamer as directed by the commander of the force; and to appoint the deputy commander for each sailing vessel for their respective districts, from among persons of the counties whose waters comprise the different districts, who shall be commissioned by the Governor; and the said deputy commanders shall have power to appoint their subordinates and select their crews; and the term of office of said commanders shall be for two years, unless sooner removed for incompetency or neglect of duty; and if any of said officers shall fail in the discharge of their duty, by reason of collusion with parties interested in violating any of the provisions of the preceding sections, he shall be deemed guilty of a misdemeanor, and on indictment and conviction in a court of law, shall be fined or imprisoned, in the discretion of the court. No person shall be eligible to the office of commander or deputy commander, who is the owner or has any interest in any scrape or dredge boat, and it is hereby made unlawful for the board of public works to appoint

any such person to be commander or deputy commander of any boat or vessel in the State fishery force. The steamers and boats belonging to the State fishery force are to be used only on business pertaining to its official duties or on State business.

1894, ch. 380.

**35.** The board of public works shall have power to remove any officer of said force for neglect of duty or incompetency; and the commander of the force shall have power to suspend any officer of the force for a period not exceeding thirty days for any neglect of duty; and any officer commanding in said force shall have power to remove any subordinate under his command and to appoint a person to fill the vacancy whenever the interest of said service may, in his judgment, require him so to do.

1896, ch. 418.

**36.** The board of public works shall have power, and it shall be their duty to keep the steamers and sail vessels in good order and repair; and for the purpose of reducing the expenses of the State fishery force, the said board is authorized and hereby required to lay up and put out of commission one steamer, and under no circumstances shall the steamer be placed in commission, except during the dredging season, and only then in such emergency as the board of public works may judge is necessary that both steamers are required to enforce the provisions of this article; and in such cases the commander shall take command of said steamer and ship a crew, and as soon as the emergency is passed the said commander shall discharge said crew and place said steamer out of commission again, retaining only one man to act as watchman, who shall receive not more than thirty dollars per month while so employed; and for the purpose of still further reducing expenses, the said board of public works is authorized, in its discretion, to sell one of the steamers, and to turn the funds arising from such sale over to the comptroller to be placed to the credit of the "Oyster Fund." The board of public works is further authorized and required to reduce the number of employes on the sail boats from the fifteenth day of April until the fifteenth day of September of each year, to three, viz.: Captain, mate and cook, excepting the schooners "Nelly Jackson," "Folly"

and "Baughman," which shall consist of the three above-named crew, and a seaman, making four men to each of the above-named boats ; and the board of public works is hereby authorized to contract for sloops or vessels to guard the line from the first of October to the first of April, between the tongers and dredgers from the Long wharf, at Cambridge, to Bowdle's house in Talbot county, and to rent or hire suitable boats to guard the waters of Herring bay, Manokin river, St. Mary's river, Holland and Hooper's straits, and Pocomoke river and sound ; the price to be paid for the use of such boats not to exceed thirty dollars per month during the period of employment, and the crews of the boats so employed, not exceeding three for each, shall be paid for their services, not exceeding fifty dollars per month for the captain or master, and thirty dollars each per month for their several assistants.

1894, ch. 880.

**37.** The deputy commanders of the steamers are hereby required to keep their vessels constantly on duty, when circumstances will permit ; and every locality where a violation of the law is likely to occur shall be visited, not only in the season, but during the close season, both day and night, as often as the duties of the force, and condition of the vessels will allow ; or whenever there is any information that a violation of this article is likely to occur, then it shall be the duty of the deputy commanders at once to proceed to the places suspected and vigilantly to guard the said places, to see that no one will violate the provisions of this article ; and every three months a report shall be made to the board of public works of all official action taken under this article.

Ibid.

**38.** It shall be the duty of the deputy commanders of the said vessels to confine themselves ordinarily to their several districts, night and day, in and out of the season, but it shall be their duty also to enforce any of the provisions of this article, in any water adjacent to their district, when a violation of the same shall come to their knowledge.

Ibid.

**39.** The commanding officer and the deputy commanders of said force shall, upon entering upon the discharge of their duties,

take before one of the judges of the circuit courts the oath prescribed by the Constitution ; and the commanding officer of said force shall enter into bond to the State of Maryland in the sum of ten thousand dollars, and each deputy commander in the sum of three thousand dollars, to be approved by one of the said judges, for the faithful performance of their duties as prescribed in this article, the said bond or bonds to be filed with the comptroller.

1896, ch. 418.

**40.** The salary of the commander of the State fishery force shall be fifteen hundred dollars per annum, and the deputy commander of the steamer shall receive a salary of ten hundred dollars per annum, and he shall have power to appoint one officer at a salary of six hundred dollars per annum, one engineer at a salary of eight hundred dollars per annum, one assistant engineer at a salary of six hundred dollars per annum, one pilot at a salary of thirty dollars per month, three seamen at a salary of twenty-five dollars per month each, and two firemen at twenty-five dollars per month each, and one cook and one steward, at a salary of twenty-five dollars per month each ; and each deputy commander of the said vessels shall receive a salary of seven hundred dollars per annum, and each deputy commander of the said vessels shall have the power to appoint one officer at a salary of five hundred dollars per annum, and four seamen at a salary of thirty-five dollars each per month during the oyster season, and thirty dollars per month after the season, except the deputy commander of the second guard boat of the second district who shall receive fifty dollars per month, for the year, and he shall appoint a mate at a salary of forty dollars per month, and two seamen at a salary of thirty dollars each per month, each to be selected from the district in which they are respectively to serve.

1894, ch. 380.

**41.** No rations shall be allowed the officers and crews of the State fishery force. The members of said force shall at all times keep themselves neatly clothed in proper uniform when on duty at their own expense.

1894, ch. 880.

**42.** The officers and crews of the steamers shall each receive eight dollars per month for rations.

Ibid.

**43.** It shall be the duty of all officers of the oyster police force to diligently watch, and guard, and to arrest all violators of any of the provisions of this article; and the commanders of both the vessels and steamers shall keep their boats on duty at all times, both by day and night, so far as possible, Sundays included, and shall cruise near to the line dividing the grounds which they are assigned to guard, from the dredging grounds, and shall harbor as near said line as it is possible for them to do, and shall remain on board their boats at all times, unless disabled by sickness or excused by the commander of the force; and shall keep a log of their movements, and shall once in each month forward a copy of such log to the office of the commander; any violation of duty in these respects shall be deemed a sufficient cause for the removal of any officer, and he shall be so removed.

Ibid.

**44.** The State fishery force shall have authority to enforce all laws of this State relating to fish, whether general or local; and the several deputy commanders of sloops and vessels shall be required to visit the tributaries and streams of their respective districts at least once in two weeks, between the first day of May and the first day of October, and at any other time when notified by citizens or others of violations, and they shall arrest and bring to trial all persons found violating any section of this article and cause them to be tried and punished as provided by law.

Ibid.

**45.** The commander of said force shall have the control and direction of said force, under the supervision of the Board of Public Works, with power to direct their movements, and shall have an office, to which place all complaints and applications for assistance shall be addressed; and it shall be his duty to keep an itemized account of all expenses and disbursements of said force, and report monthly to the board of public works; and the commander shall be permitted to have one clerk, and the com- 190 cl. 2.

pensation of said clerk shall not exceed seven hundred dollars for acting as clerk to the commander.

### **Locating Oyster Lots.**

1894, ch. 380.

**46.** The owner of any land bordering on any of the navigable waters of this State, the lines of which extend into and are covered by said waters, shall have the exclusive privilege of using the same for protecting, sowing, bedding or depositing oysters or other shell fish within the lines of his own land ; and any owner of land lying and bordering upon any of the waters of this State shall have power to locate and appropriate in any of the waters adjoining his lands one lot of five acres for the purpose of protecting, preserving, depositing, bedding or sowing oysters or other shell fish ; and any male or female citizen of full age, of the county wherein he or she resides, shall have power to locate and appropriate, and hold one lot of five acres, and no more, in any waters in this State not located or appropriated ; provided, thirty days' notice in writing shall be given the owner or occupant of land bordering on said waters proposed to be located, that the owner or occupant may have priority of claim ; and if such owner or occupant shall fail to locate or appropriate the water mentioned in said notice within thirty days after receiving the same, then it shall be open and free to any one, under the provisions of this section ; provided also, that the said location or appropriation shall be described by stakes, bushes and with the name of the owner on a board fastened to a pole or stake on or within the appropriated oyster land, or by the proper and visible metes and bounds, which description shall be reduced to writing under the oath of some competent surveyor, and recorded at the expense of the party locating or appropriating the same, in the office of the clerk of the circuit court for the county wherein such land may be located ; and provided also, that such location and appropriation shall not injure, obstruct or impede the free navigation of said waters ; and provided, that no natural bar or bed of oysters shall be so located or appropriated, and that twelve months' peaceable possession of all locations of oyster grounds, under the laws of this State, shall constitute a good and sufficient title thereto ; but should any one within twelve months

be charged with locating or appropriating any natural bed or bar hereinbefore prohibited, the question may be at once submitted by any person interested to the judge of the circuit court for the county where, such questions shall arise, who, after having given notice to the parties interested, shall proceed to hear the testimony and decide the case; and if his decision be in favor of the party locating said five acres, said decision shall be recorded with the original record of said five acres, and shall in all cases be conclusive evidence of title thereto; provided also, that if any stakes or bushes used as bounds shall be removed by accident or design, it shall not excuse any person from wrongfully taking such oysters, if he knew the grounds to have been located and appropriated; but any title or pretended title to more than five acres, or otherwise contrary to this section, held or claimed by any person, is hereby declared to be fraudulent and void; provided, that no non-resident of this State shall be entitled to avail himself of the provisions of this section, whether he be sole or part owner of any land in this State; and in case of the death of any citizen who may have located and appropriated any lot under the provisions of this section, his executors or administrators shall have the exclusive use, possession and control of such lot as fully as the person so dying had, for the purpose of protecting, cultivating and removing the oysters planted on said lot for the period of three years from the date of the death of the person appropriating such lot; and any person or persons taking or attempting to take oysters thus planted or bedded shall be deemed guilty of a misdemeanor, and upon conviction before a justice of the peace trying the case shall be fined a sum not less than fifty dollars nor more than one hundred dollars, and imprisoned in the house of correction for a period of three to six months, one-half of said fine to be paid to the informer, and the other half to be paid to the county commissioners for the use of the public schools.

Jackson v. Bennett, 80 Md. 77. Powell v. Wilson, 85 Md. 356. Handy v. Maddox, 85 Md. 548-9.

1894, ch. 380.

**47.** If any creek, cove or inlet not exceeding one hundred yards at low water in breadth at its mouth make into the land, or if any creek, cove or inlet of greater width than one hundred

yards at low water mark make into the land, the owner or other lawful occupant shall have the exclusive right to use such creek, cove or inlet, when the mouth of said creek, cove or inlet is one hundred yards or less in width ; and when the said creek, cove or inlet is more than one hundred yards in width at its mouth at low water, the said owner or other lawful occupant shall have exclusive right to use such creek, cove or inlet so soon as said creek, cove or inlet in making into said land or lands shall become one hundred yards in width at low water, for preserving, depositing, bedding or sowing oysters or other shell fish, although such cove, creek or inlet may not be included in the lines of any patent ; and in all such cases such rights of the riparian proprietor shall extend to the middle of such creek, cove or inlet.

Powell v. Wilson, 85 Md. 356.

1896, ch. 418.

**48.** It shall be unlawful, without authority from the owner, for any person or persons to take or catch planted or bedded oysters, knowing them to be so planted or bedded, or to remove, break off, destroy, or otherwise injure or altar any stakes, bounds, marks, buoys or other designation of any of said beds ; any person or persons violating the provisions of this section or section 47 of this article, shall be guilty of a misdemeanor, and upon conviction thereof before the circuit court or a justice of the peace for the county where the oysters were bedded, shall be liable to the fines and penalties in section 46 of this article.

1894, ch. 380.

**49.** Any person convicted before a justice of the peace under any of the preceding provisions of this article, shall in all cases have the right of an appeal to the circuit court for the county.

Messick v. State, 82 Md. 585.

#### **Craighill Channel.**

1894, ch. 380.

**50.** Any person dragging, raking or dredging for oysters within five hundred yards of either edge of the new channel at the mouth of the Patapsco river, known as the Craighill channel, extending from the seven-foot knoll to the mouth of the Magothy river, or within five hundred yards of either edge of the cut-off

connecting the Brewerton and Craighill channels, shall forfeit his boat or vessel ; and it shall be lawful for any justice of the peace of the county or city in which such person shall be arrested to try such person, and, on conviction, to condemn said boat or vessel, and sell the same on five days' notice, and fine the said offender a sum not less than five dollars nor more than twenty-five dollars, for each and every offense ; and the said justice of the peace shall pay over one-half of said fines and forfeitures to the informer, and the other half to the school board of said county or city.

**Potomac.**

1894, ch. 380.

**51.** It shall not be lawful for any person to take or catch oysters in any manner whatever in the waters of the Potomac river, unless he be a citizen of Maryland or Virginia, and shall have been a resident of the State of which he is a citizen for twelve months immediately preceding. Any one violating this section shall be subject to a fine of five hundred dollars ; any vessel in which oysters are taken contrary to this section shall be forfeited and sold, one-half of the proceeds to go to the State where convicted, and the other half to the informer.

*Ibid.*

**52.** It shall not be lawful for any citizen of Maryland or Virginia to take or catch oysters with a scoop, scrape or dredge or any such instrument, in the waters of the Potomac river between the fifteenth day of March and the fifteenth day of October of each year ; it shall not be lawful for any citizen of either State to take oysters with tongs from the waters of the Potomac river, between April the twenty-fifth and September the first of each year ; and it shall not be lawful for any person to have in possession any oysters in the waters of the Potomac river between the twenty-fifth day of April and the first day of September of each year ; every person found guilty of violating any of the provisions of this section shall be fined not less than two hundred and fifty dollars nor more than five hundred dollars for each offense ; and the vessel by which oysters are illegally taken or which receives oysters so illegally taken, or which has oysters on board within the limits of said river within the time specified,

shall be held as security for the payment of the fine hereinbefore mentioned, and be subject also to a fine of not less than fifty dollars nor more than one hundred and fifty dollars; and in the event of such fines not being paid within a period of twenty days, then such vessel shall be forfeited and sold; the surplus after payment of fines and costs to be paid to the owner of the boat; one-half of fines to go to the informer and the other half to the State.

1894, ch. 380.

**53.** It shall be lawful for citizens of the State of Maryland and Virginia to take oysters in the Potomac river after complying with the requirements or the law of the State of which they are citizens, for the taking of oysters from the waters of such State; and any citizen of either State who takes oysters in the Potomac river without having complied with the requirements of the law of his State as to the taking of oysters in its own waters, shall be considered guilty of violating the laws of the State of which he is a citizen, and shall be prosecuted according to such laws.

Ibid.

**54.** All offenses committed against the provisions of sections fifty-one, fifty-two and fifty-three, by persons not citizens and residents as aforesaid of either State, may be punished by any of the justices of the peace or courts of either State having criminal jurisdiction. All offenses committed by citizens of either State shall be punished by any of the justices of the peace or courts of the State of which they are citizens, having criminal jurisdiction; the authorities of either State shall have the right to examine into the right of any person taking oysters in the Potomac river, and all persons taking oysters in the Potomac river shall exhibit their authority for so doing whenever required by the police or other legal authority of either State; the legal authorities of either State shall have the right to arrest any offender against said sections in the Potomac river, and to pursue such offender beyond the boundary line of either State upon navigable waters and arrest him wherever found upon such waters.

1894, ch. 380.

**55.** The penalties imposed by sections 51, 52 and 53 shall be recovered before any justice of the peace of either State, in any county of either State, with the right to the State or the defendant to appeal to the circuit court for the county in which such cause has been tried, or to the Criminal Court of Baltimore, if tried in Baltimore city, or in the Hustings Court of the city, if tried in a city of Virginia; the parties and vessels charged may be arrested without warrant and carried before any justice of the peace; the justice shall cause a guard to be put upon the vessel, and the parties charged to be confined in jail or bailed; upon conviction the offender shall be committed to jail until the fine is paid, and the vessel shall be sold at public auction by the sheriff of the county or city for cash after ten days' notice; in case of appeal the appellant shall remain in custody and the vessel shall be sold as above provided, unless recognizance be entered into for double the amount of the fine and double the value of the vessel, conditioned for the performance of the final judgment of the court; upon such recognizance being given, the party convicted and the vessel shall be discharged.

Ibid.

**56.** Nothing in the five preceding sections shall be construed in any way to impair, alter or abridge any rights which either State or the citizens thereof may be entitled to, either by, through, under or against the compact entered into between the States of Maryland and Virginia on the twenty eighth day of March, seventeen hundred and eighty-five, or any existing law of either of said two States.

#### **General Measurers and Inspectors.**

1898, ch. 449.

**57.** The Governor, at each session of the General Assembly shall appoint ten persons to be known as the general measurers and inspectors of oysters; and each general measurer and inspector shall give bond to the State of Maryland in the sum of three thousand dollars, with a surety or sureties to be approved by the comptroller, for the faithful discharge of his duties, and each general measurer and inspector of oysters shall have full power

and authority, in conformity to the provisions of this article, over oysters in the waters adjacent to the port to which they shall be respectively assigned, as is given to all general measurers and inspectors of oysters by this article.

1894, ch. 380.

**58.** Any person or persons may obtain a license as a licensed oyster measurer and inspector from the clerk of the Court of Common Pleas for Baltimore city or the clerk of the circuit court for any county wherein he is a citizen, by making application and by taking an oath that he will faithfully perform the duties of a licensed oyster measurer and inspector, and by paying a fee of twenty dollars for said license, which amounts shall be paid by said clerks, respectively, on or before the expiration of thirty days, to the comptroller, to be placed to the credit of the oyster fund; the said license shall hold good for the oyster season. The said licensed oyster measurers shall be under the direction and control of the general oyster measurers and inspectors; the said licensed oyster measurers and inspectors shall fairly and impartially measure and inspect, as provided for in this article, all oysters in the shell, and shall receive for their services one-half cent per bushel, to be paid equally by the seller and buyer; any person or persons violating any of the provisions of this section, shall be deemed guilty of a misdemeanor, and on conviction before any court having jurisdiction in this State, shall be fined not less than two hundred dollars nor more than five hundred dollars for each offense, or shall be also imprisoned in the discretion of the court trying the same.

1898, ch. 449.

**59.** At the beginning of each oyster season the commander of the State fishery force shall divide the inspection points into ten inspection districts, of which five districts shall be in the city of Baltimore, and five other districts as now located, which said districts shall be known as districts numbers one to ten, inclusive; and at the same time the said commander of the State fishery force shall make assignments of the said general measurers and inspectors of oysters to the districts in which they are to perform their duties for the whole oyster season, providing for a weekly change from district to district, so that no general measurer and

inspector of oysters shall serve more than one week at a time in any one district, and in changing the inspectors and measurers from district to district whenever practicable, they shall be transported by the State fishery force without charge for passage.

1894, ch. 380.

**60.** It shall be the duty of said general measurers and inspectors of oysters to see that the licensed measurers and inspectors are licensed as required by law, that they shall properly measure and inspect the oysters, and that the law in reference to the measurement and inspection of oysters be strictly complied with; and the general measurers and inspectors of oysters shall have the authority at all times to enter all places and all vessels where oysters are being measured and inspected in the shell, and to inspect all the measurements or instruments used in measuring oysters, and to see that the inspection laws are properly enforced; and if the measures are incorrect the said general measurer and inspector of oysters shall take possession of the incorrect measures; and the said general measurers and inspectors of oysters are authorized, directed and required to arrest any person or persons violating any of the provisions of this article; and it shall be the duty of the judge of the court of common pleas of the city of Baltimore, or the judge of the circuit court for any of the counties of this State, upon petition of any of the general oyster measurers and inspectors of oysters, alleging that any licensed measurer and inspector of oysters has been convicted of violating any of the provisions of this section in reference to the measurement and inspection of oysters, and the production of the record of a copy thereof of the court, or justice of the peace where such conviction was had, to suppress the license of such licensed measurer and inspector; and no license shall be granted to him for the remainder of the oyster season. It shall be the further duty of the general measurers and inspectors of oysters, under oath, to return to the Governor of the State annually the amount of oysters measured and inspected, in the city, town or port for which they shall be respectively appointed.

*Ibid.*

**61.** The general measurers and inspectors of oysters of Baltimore city, or a majority of them, are empowered and authorized

to suspend the right or privilege of any person, licensed to measure or inspect oysters in said city, to measure or inspect oysters under said license ; provided, however, that no such right to suspend shall exist unless a charge is pending against said licensed measurer and inspector, for a violation of the provisions of this article, in reference to the measurement and inspection of oysters, and if such charge shall be dismissed by a court of competent jurisdiction, such suspension shall end ; and upon notice from the buyer or seller of oysters, the general measurer and inspector of oysters shall designate the measurer and inspector, or licensed measurer and inspector, to measure and inspect the oysters sold out of said vessel.

1898, ch. 449.

**62.** All general measurers and inspectors of oysters shall receive the sum of one hundred dollars per month each, as salary, during the time they are engaged in the duties of their respective offices, to be paid by the treasurer on the warrant of the comptroller ; and to help provide for the payment of the salaries of said general measurers and inspectors the sum of ten cents per hundred bushels of oysters sold is hereby levied as a tax on all oysters sold, to be paid by the seller and to be collected by the buyer, when oysters are sold by the cargo or at wholesale, and when sold at retail by commission merchants selling oysters, to be collected by said commission merchants ; and any seller who shall refuse to pay the said ten cents per one hundred bushels of oysters, and any buyer or commission merchant who shall refuse to collect and account for the moneys so collected, as well as all other persons who shall violate any of the provisions of this article from sections 57 to 62, both inclusive, or who shall interfere with the general measurers and inspectors of oysters in the discharge of their duties, shall be deemed guilty of a misdemeanor, and upon conviction before any justice of the peace or court of competent jurisdiction shall pay a fine of twenty dollars and costs, one-half of said fine to the informer and the other half to the comptroller to the credit of the oyster fund ; in default of fine and costs the party convicted shall be confined in jail for not more than twenty days. It shall be the duty of all buyers of oysters or commission merchants to collect the said tax and

monthly report to the comptroller, under oath, the amount so collected, accompanied by a check, in payment of the amount so collected, and the comptroller is hereby directed to apply the receipts therefrom, first, to the payment of the salaries of the general measurers and inspectors of oysters; and secondly, to the credit of the "Oyster Fund." Any person who shall fail to collect said tax shall be liable on conviction to a fine in double the amount of such tax not collected, to be applied as aforesaid, and upon default shall be imprisoned as aforesaid; and should any such buyers collect and fail to pay over as directed to the comptroller the tax levied as aforesaid, they shall be deemed guilty of "larceny after a trust" and be punished as is provided by article 27 of the Code of Public General Laws for the punishment of that crime. The appointments of the general measurers and inspectors of oysters, as provided in section 57, shall as to the first appointments to be made, be made on or before August 1, 1898; provided, that nothing in any of the provisions of this article shall be construed to prevent any general measurer and inspector of oysters from serving in any county district at least three weeks, and each and every inspector shall report monthly to the commander of the oyster navy, or oftener if required by him, concerning all the oysters that may be disposed of within his inspection district, and such reports shall be a full and complete account of all sales of oysters that have been made within his district.

1896, ch. 418.

**63.** All oysters sold in this State shall be measured, either in a one-half-bushel tub, a bushel tub, a bushel and one-half tub, or a three bushel tub, and all instruments of measurement for measuring oysters in the shell shall be an iron circular tub with straight sides, and straight solid bottom, with holes in bottom, if desired for draining, such holes to be no larger, however, than one inch in diameter; a half-bushel tub shall have the following dimensions: all measurements to be from inside to inside, fifteen inches across the top, thirteen inches across the bottom, and seventeen inches diagonally from the inside chime to the top; a bushel tub shall measure sixteen and one-half inches across at the bottom from inside to inside, twenty-one inches diagonally from the inside chime to the top, eighteen inches across from inside

to inside from the top; a bushel and one-half tub shall measure nineteen inches across the top from inside to inside, eighteen inches from inside to inside at the bottom, and twenty-four inches diagonally from the inside chime to the top; a three bushel tub shall measure twenty-four inches across the top from inside to inside at the top, twenty-two inches at the bottom from the inside to the inside at the bottom, and twenty-nine and twenty-six one-hundredths inches diagonally from the inside chime to the top; and all oysters measured in the shell, as required by law, shall be struck measure—struck evenly with a straight-edge; and any person or persons engaged in the business of buying or selling oysters in this State, who shall own or have in his possession any instrument of measurement for oysters in the shell which differs in size or description from the measure hereinbefore mentioned, with intent to use the same for measuring oysters, or who shall demand a greater measure than herein specified, shall be guilty of a misdemeanor, and upon conviction before a judge of the circuit court or a justice of the peace having jurisdiction, to be fined a sum of not less than fifty dollars nor more than one hundred dollars, or committed to the house of correction for a period of not less than three months nor more than six months, or both, in the discretion of the judge or justice of the peace trying the same; and in case a fine is imposed under the provisions of this section, said fine to be paid over by the officer making the arrest to the comptroller of the State, to be credited to the "Oyster Fund;" one-half, however, to be paid to the informer.

1894, ch. 380.

**64.** In addition to the charges herein mentioned for compensation to the general measurers and inspectors of oysters, it shall be unlawful for the buyer of any cargo or part of a cargo of oysters sold in the shell, to exact of or retain from the proceeds of said cargo or part of a cargo due the seller, a larger or greater sum or amount than one-half cent per bushel, in which shall be included the amount now allowed by law to be paid by the seller to the licensed measurer and inspector; and any person or persons charging or exacting a larger sum shall be subject to a fine of fifty dollars, upon conviction before any justice of the peace, one-half of said fine to be paid to the informer and the

other half to the Comptroller, to be placed to the credit of the "Oyster Fund."

#### **Exempted Waters.**

1894, ch. 390.

**65.** It shall not be lawful for any person or persons to use any vessel licensed to take or catch oysters in the waters of this State, in taking or catching oysters with scoop, scrape, dredge, tongs or rake, or any similar instrument, east of a straight line from Richland point to Pone point, on the lower end of Bloodworth island, in the State of Maryland; provided, that this article shall not apply to *bona fide* resident citizens of Dorchester county licensed to take or catch oysters in the waters of said county.

#### **Packing Oysters.**

1894, ch. 380.

**66.** Any person, firm or corporation engaged in the business of packing or canning oysters for sale or transportation, shall, on or before the first day of September in each year, take out a license to engage in such business, by application, under oath, to the clerk of the circuit court for the county in which the place of business of such applicant may be situated, or to the clerk of the Court of Common Pleas, if the place of business of such applicant shall be in Baltimore city; and such applicant shall state the number of bushels of oysters which is proposed to be packed by himself, or his firm or corporation, during the succeeding eight months; and at the time of issuing such license shall pay the sum of twenty-five dollars for such license, and in addition thereto, the sum of one dollar per thousand bushels for every thousand bushels over ten thousand bushels, so as aforesaid estimated in his application, as the total number of bushels to be packed during said season, and all said moneys received for said license shall be paid over and accounted for by the said several clerks of courts to the comptroller of the State, to be placed to the credit of the "Oyster Fund," as provided by section 29 of this article. It shall further be the duty of each person, firm or corporation obtaining a license under this section, to make a sworn report, and return under oath within thirty days after the twenty-fifth day of April in each year, to the clerk of the court

from which he may have obtained such license, of the total amount or number of bushels of oysters packed or canned by him during the season preceding said twenty-fifth day of April, and to pay to said clerk the further license money of one dollar per thousand bushels, for each thousand bushels of oysters packed or canned by himself, or his firm or corporation during such season, over and above the estimate given in his application for a license, which report or return shall be forwarded to the comptroller, and if said report or return shall show to the satisfaction of the comptroller that the total number of bushels of oysters packed during said season was less than the number given in the application for license of the person, firm or corporation making such return or report, the comptroller shall draw his warrant in favor of such person, firm or corporation for the amount overpaid by such license, calculated at the rate named hereinbefore.

State v. Applegarth, 81 Md. 297. Smith v. School Commrs., 81 Md. 516.

1894, ch. 380.

**67.** If any person, firm or corporation shall engage or attempt to engage in the business of packing or canning oysters for sale or transportation without first obtaining a license, as provided in the foregoing section, or who shall fail to pay the tax of one dollar per thousand bushels for each thousand bushels of oysters packed or canned by himself, his firm or corporation, in excess of the amount named in the license issued to him or his firm or the corporation which he represents, he shall be deemed guilty of a misdemeanor, and shall be fined not less than one hundred dollars nor more than one thousand dollars for each offense; and if any person shall knowingly make any false statement in the application for license, or in any report or return required to be made under this article, he shall be deemed guilty of perjury, and shall be fined not less than fifty dollars nor more than five hundred dollars, or shall be imprisoned not less than one month nor more than six months, or both fined and imprisoned, in the discretion of the court; provided, that if any person so applying for license shall prefer to do so, he may obtain the same for himself, firm or body corporate, by paying therefor the sum of three hundred dollars, and shall not be required to report under oath the number of bushels handled by him, his firm or corporation, or otherwise disclose the operations of his business.

**67 A.** Every person or member of a firm, or member of a corporation engaged in the business of selling oysters on commission, shall, on or before the first day of September, in each year, take out a license to engage in such business, by application to the clerk of the circuit court for the county in which the place of business of such applicant may be situated, or to the clerk of the Court of Common Pleas, if the place of business of such applicant shall be in Baltimore city; and such applicant, at the time of issuing such license, shall pay the sum of twenty-five dollars; and all said money received for said license shall be paid over and accounted for by the said several clerks of courts to the comptroller of the State, to be placed to the credit of the "Oyster Fund," as provided by section twenty-nine of this article; and if any person, member of a firm or member of a corporation shall engage or attempt to engage in the business of selling oysters on commission without first obtaining a license, as provided in this section, he shall be deemed guilty of a misdemeanor, and shall be fined not less than one hundred dollars nor more than one thousand dollars for each offense.

Smith v. School Comms., 81 Md. 516.

#### **Shucking Oysters.**

1898, ch. 260.

**67 B.** All shucked oysters opened at any oyster house in this State or any other place where oysters are opened or sold as a business or delivered to proprietors of any such oyster house or other place, shall be shucked by the gallon, and not by the can or vessel of any other name and designation, and it shall not be lawful for the proprietor of any such place to contract with any person to shuck or open oysters at any such house or for the proprietors thereof, for the purpose of shipping the same to the customers of said proprietor otherwise than by the gallon. The said oyster house or the proprietors thereof may, in consideration of the quantity of water contained in shucked oysters, use a cup, which is hereby declared and determined to be an oyster gallon cup, which shall contain nine pints, and no more, and no other than this standard measure or said oyster gallon cup shall be used in said houses or by the proprietors thereof, in measuring any oysters received by them from the shuckers. Said oyster gallon cup shall be inspected and stamped by the same officer in

the city of Baltimore or in any of the counties of the State, as is now required by law to inspect and stamp measures, and the person neglecting so to have the same stamped and inspected shall be subject to the same fines and penalties as are now or may hereafter be prescribed by law for neglecting to have inspected and stamped the said gallon measure, and any person using any other measure than the one above prescribed in any such oyster house or similar place in this State or any proprietor of any of said house using any other than the above prescribed measures to measure any oysters received by him from shuckers, shall be guilty of a misdemeanor, and on conviction thereof before any justice of the peace in said city or county, shall be fined not less than ten nor more than one hundred dollars, in the discretion of the justice of the peace trying the same, and shall stand committed until such fine and costs are paid, which fine shall be paid to the State of Maryland; but the person so convicted shall have the right of appeal, as now provided by law in other criminal cases.

#### **Comptroller's Duties.**

1894, ch. 380.

**68.** It shall be the duty of the comptroller to furnish the clerks of the several courts of the State with forms of applications and license, and of the reports or returns required by the preceding sections; and it shall be the further duty of the comptroller to furnish all other blanks required under this article.

Nothing in this article shall be construed to apply to Worcester county as to the taking or catching of oysters in the waters of said county.

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## ARTICLE LXXIV.

### PILOTS.

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| <b>2.</b> The board of examiners of Maryland pilots, of whom composed. Pilots to pay said board \$1,000 to defray expenses. | <b>16.</b> What vessels required to pay pilotage.<br><b>17.</b> What vessels exempt. |
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1892, ch. 532.

2. The board of examiners of Maryland pilots shall consist of three members, composed of the following persons: The president of the Board of Trade, the president of the Corn and Flour Exchange and the president of the Pilot Association, and the pilots shall pay the said board one thousand dollars a year to defray the expenses of said board.

1896, ch. 40.

16. All masters of foreign vessels and vessels from a foreign port, and all vessels sailing under register bound to and from Baltimore city, except vessels employed in and licensed for the coasting trade, and American vessels laden either in whole or in part with coke or coal mined in the United States, shall take a licensed pilot, or in case of refusal to take such pilot shall themselves, their owners or consignees, pay the said pilotage as if one had been employed, and such pilotage shall be paid to the pilot first speaking or offering his services as pilot to such vessels before Cape Henry bears south, if inward bound.

Ibid.

17. Vessels employed in and licensed for the coasting trade shall be exempt from the duty of employing a pilot, and the vessels, as well as their masters, owners, agents or consignees, shall be exempt from the duty of paying pilotage, half pilotage, or any penalty whatsoever in case of their neglect or refusal to do so; any American vessel laden either in whole or in part with coke or coal mined in the United States shall be exempt from the duty of taking a pilot, and the vessel, as well as her master, owner, agent or consignee, shall be exempt from the duty of paying pilotage, or half pilotage, or any penalty whatsoever in case of his neglect or refusal so to do. But a coastwise vessel or such American vessel, laden either in whole or in part with coke or coal, mined as aforesaid, voluntarily taking a pilot, shall pay the same fee for pilotage as prescribed in the case of a vessel bound to or from a foreign port.

## ARTICLE LXXV.

## PLEADINGS, PRACTICE AND PROCESS OF LAW.

## PLEADINGS.

22 A. Suits against fire insurance companies.

## PRACTICE.

Powers of Next Friend to Compromise Suits.

54 A. "Next friend" or *prochein ami* may compromise suit for infant; proviso.

Measure of Damages for Abstracting Minerals from Plaintiff's Land.

87 A. Persons furtively or in bad faith abstracting minerals from the land of another shall be charged the whole value of the minerals. Otherwise, if abstracted without fraud or negligence.

## Supplementary Proceedings.

87 B. Order of court requiring attendance of judgment debtor to be examined regarding concealed property or credits.

87 C. Person or corporation having property of the judgment debtor to attend also.

87 D. Said parties shall testify under oath.

87 E. Power of court to grant relief to judgment creditor.

87 F. Punishment for contempt of court's order.

## Legal Sufficiency of Evidence.

87 G. Defendant may offer evidence, though the court reject his prayer at end of plaintiff's case, that plaintiff has offered no evidence legally sufficient to entitle him to recover.

## Possession—Writs Of.

88. Writ of *habere facias possessionem*, how obtained. Penalty for re-entry by evicted party.

## Removal of Cases from Courts of Law to Courts of Equity, and Vice Versa.

107 A. Causes may be removed from courts of law to courts of equity, and *vice versa*.

## Special Findings of Facts.

115 A. Special findings of facts by court or jury.

## PROCESS.

153. Where defendants shall be sued; excepted cases.

## PLEADINGS.

1896, ch. 367.

22 A. Whenever any fire insurance company shall have a duly accredited agent in any county or city of this State resident therein, in which any dwelling, barn, warehouse or other buildings, covered by insurance in such company, shall be destroyed

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or damaged by fire, and such insurance company shall neglect or refuse to pay the damages sustained by the owner thereof, such owner may bring suit against said company and prosecute the same in any court of competent jurisdiction as other suits are brought and prosecuted in the several courts of this State by having service served on such resident agent as fully as if service had been made on the director or directors of such company; and the judgment rendered in such case shall have the same force and effect as other judgments rendered by the said courts would or could have.

### **PRACTICE.**

#### **Powers of "Next Friend" to Compromise Suits.**

1898, ch. 241.

**54 A.** The "next friend," or *prochein ami*, who shall have brought any suit at law for the benefit of any infant or infants, shall have authority to compromise and settle said suit and the cause of action; provided, that whenever such "next friend" shall not be a parent of the infant or a person standing in *loco parentis*, the consent of such parent or other person shall first be had and obtained; and if both parents be dead and there be no other person having the care and custody of the infant, the authority of the orphans' court of the city or county in which such suit has been brought shall be requisite to give validity to the proposed compromise or settlement; but such authority shall never be granted except upon written application therefor by such "next friend" setting forth under oath all the facts of the case and the reasons why such compromise or settlement is deemed to be for the best interest of the infant. This section shall apply to suits brought by the State of Maryland for the use of infants as equitable plaintiffs, as well as to suits brought by infants as plaintiffs by their "next friend."

#### **Measure of Damages for Abstracting Minerals from Plaintiff's Land.**

1894, ch. 287.

**87 A.** In the absence of fraud, negligence or willful trespass, the measure of damages for the wrongful working and abstracting of another's minerals, is the value of the minerals in their native state, before severance, to the person from whose property they

were taken, at the time of the taking; but if one furtively, or in bad faith, works and abstracts minerals from the land of another, the party so offending may be charged with the whole value of the minerals taken, and allowed no deduction in respect of his labor and expenses in getting them.

### **Supplementary Proceedings.**

1890, ch. 558.

**87 B.** At any time within which an attachment or execution might issue upon a judgment or decree, upon satisfactory proof being made to the court by affidavit or otherwise by the judgment creditor, that it is probable that the judgment debtor has property or credits which would be liable to said attachment or execution, and that the said judgment debtor is concealing or has concealed or disposed of the same with intent to evade the effect of said judgment, the court wherein said judgment was rendered shall issue an order requiring said debtor to attend, and be examined concerning said property or credits at a time and place specified in said order, either in open court or before a standing commissioner or examiner as therein directed; the judge, commissioner or examiner may adjourn the proceedings under such order from time to time as he may think proper, and at any stage of the proceedings, the court may in its discretion make a further order that any other examination or testimony be taken by a commissioner or examiner designated therein.

Ibid.

**87 C.** If it shall appear upon proof, by affidavit or otherwise, to the satisfaction of the court, that any person or corporation has property of the judgment debtor or is indebted to him in a sum of money, the judgment creditor shall be entitled to an order requiring such person or any of the officers of such corporation, to attend and be examined as provided in the preceding section, concerning the debt or other property, at a time and place specified in said order.

Ibid.

**87 D.** Upon an examination under either of the two preceding sections, such parties shall testify under oath, and shall not be excused from answering any questions on the ground that such

examination will tend to connect such party with the commission of fraud, but such answers cannot be used as evidence against said persons in any criminal action or proceeding based upon such fraud.

1890, ch. 558.

**87 E.** Under the proceedings provided in the three preceding sections, the court, in its discretion, shall grant relief unto said judgment creditor by orders in the nature of injunction, decree for specific performance, writ of mandamus, or for the appointment of a receiver, and shall pass such orders as will subject said property or credits of said judgment debtor, either in his own hands or in the hands of any person or corporation, to the operation and effect of the judgment.

Ibid.

**87 F.** Any person who refuses or without sufficient excuse neglects to obey any order of the court made pursuant to any of the four preceding sections and duly served upon him or an oral direction given directly to him in open court in the course of the proceedings therein provided, or to attend before the court or before a commissioner or examiner according to the command of an order or summons duly served upon him or to answer any lawful question propounded to him by such court, commissioner or examiner, may be punished by the court by which such order or summons was issued for a contempt.

#### Legal Sufficiency of Evidence.

1894, ch. 516.

**87 G.** If the defendant in any action at law in contract or in tort shall, at the close of the plaintiff's evidence, and before offering any evidence or defense, pray the court to instruct the jury that the plaintiff in such action has offered no evidence legally sufficient to entitle the plaintiff to recover, or a prayer to the same effect, and the court shall reject such prayer, the defendant shall not be precluded from offering evidence of defense, but any defendant in such action may offer evidence of defense as fully and to the same extent as though such prayer had not been offered.

**Possession—Writs of.**

1890, ch. 685.

**88.** Whenever any lands or tenements shall be sold by any sheriff, constable, coroner or elisor, by virtue of any process or execution from any court or justice of the peace of this State, or by any trustee under decree of any court of this State, by any trustee by appointment of any insolvent court, by any trustee under any voluntary deed of trust, by any mortgagee under any power in any mortgage, by any executor or executors or any other person under any power in a will, and the debtor named in such execution or decree, the insolvent grantor or mortgagor in said deed of trust or mortgage, or any person holding under said debtor, insolvent grantor or mortgagor by title subsequent to the date of the judgment decree, insolvent proceedings, deed of trust or mortgage respectively, or any person claiming under the devisor of said will shall be in actual possession of the lands and tenements sold and shall fail or refuse to deliver possession of the same to the purchaser thereof, excepting, however, case of tenancies created in the lifetime of the devisor which shall be fulfilled as now allowed by law, the judge of the circuit court for the county in which said lands or tenements may be situate, or if situate in the city of Baltimore, the judge of the Circuit Court, the Superior Court, the Court of Common Pleas or the Baltimore City Court shall on application in writing to be verified by the affidavit of the purchaser or his attorney, unless good cause to the contrary be shown by the party in actual possession as aforesaid, his agents or attorneys or other persons concerned, within not less than fifteen days or more than thirty days from the filing of such application as aforesaid, issue a writ in the nature of a writ of *habere facias possessionem*, reciting therein the proceedings which may have been had in said process, thereby commanding the sheriff of the county, coroner or elisor to deliver possession of the said lands and tenements to the purchaser thereof, and in cases of sales made by virtue of power contained in wills, the judge shall grant such writs if it appear on such application that the contract of tenancy entered into between the devisor and tenant in possession has expired, and in cases where the purchaser has entered into an agreement with the person in actual possession of such lands and tenements at the

time of such sale to permit such person to remain in possession for a limited period, the judge shall grant the said writ if it appears in said application that the period limited by such agreement between the purchaser and the person in possession has expired; and should the party so evicted by writ of *habere* as aforesaid re-enter upon said property or any part of the same without the consent of the purchaser, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, either before a justice of the peace or in the circuit court of any county for the State, or the Criminal Court of Baltimore, he shall be fined not more than one hundred dollars, or imprisoned not more than sixty days, or both fined and imprisoned in the discretion of said justice or court.

**Removal of Cases from Courts of Law to Courts of Equity and Vice Versa.**

1896, ch. 229.

**107 A.** In every case at law or in equity in which it shall appear that the plaintiff is entitled to some relief or to some remedy, but not in the particular court, or on the side of the court in which the suit is brought or the relief is prayed, the plaintiff shall not on that account be non-suited or the case dismissed; but the case may, in the discretion of the judge presiding in the court in which the suit is pending, at any time, in any action at law, before the jury retire to consider their verdict, or in a suit in equity, before the final decree is signed, be removed by an order in writing signed by the judge or judges there presiding, to such proper court or docket, either of equity or law, in the same county or city, as the nature thereof may require, and thereupon such proceedings shall be had, by amendment of the pleadings and otherwise, as shall conform the case to the course of the court to which the same shall have been removed, under such general or special rules as each of such courts may prescribe for the adjustment of costs, the prevention of delay and the promotion of justice.

**Special Findings of Facts.**

1894, ch. 185.

**115 A.** In all cases where issues of fact are submitted to a jury, the court may in its own discretion, or shall at the request

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of either party, require the jury, in addition to rendering a general verdict for the plaintiff or defendant, to find specially upon any particular questions of facts, material to the issues on trial, which questions shall be in writing; and in all cases at law where issues of facts are tried before a court without a jury, the said court, at the written request of either party, find specially upon any question of facts which it may deem necessary to be determined in order to arrive at its verdict. All such special findings of facts, whether by the jury or by the court, shall be in writing, and must be filed with the clerk as part of the record of the case, and in civil cases where a special finding of facts shall be inconsistent with the general verdict rendered at the same trial, the former shall control the latter and the court must give judgment accordingly; but nothing herein contained shall limit the court's power to grant a new trial or to arrest judgment on motion.

Balto. Traction Co. v. Appel, 80 Md. 611. B. & O. R. R. Co. v. Cain, 81 Md. 105. Dorsey v. Habersack, 84 Md. 128.

#### PROCESS.

1898, ch. 255.

**132.** No person shall be sued out of the county in which he resides until the sheriff or coroner of the county in which he resides shall have returned a *non est* on a summons issued in such county; provided, that nothing herein contained shall apply to any person who shall abscond from justice in the county where he lives, but such person may be sued in any county where he may be found; and provided, further, that any person who resides in one county but carries on any regular business, or habitually engages in any avocation or employment in another county, may be sued in either county, whether before a justice of the peace or in a court of law or equity; this section not to apply to ejectment, dower, replevin, *scire facias* on judgment or decree, nor to heirs, devisees or terretenants, against whom process may be issued to another county.

## ARTICLE LXXVI.

## PUBLICATION OF LAWS.

1. What public general laws shall be published. | 8. Appropriation therefor ; proviso.

1894, ch. 15.

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.561. 1. Every public general law which is made to take effect before the first day of June next after the session at which it shall be passed, which the Governor and attorney-general shall direct, shall, immediately after its passage, be published at the expense of the State, daily for one week in three daily newspapers of the city of Baltimore, one of which shall be in the German language, and one of which shall be a law paper, and such newspaper or newspapers in each county as the President of the Senate and the Speaker of the House of Delegates may designate.

Ibid.

3. The treasurer, upon the warrant of the comptroller, shall pay to the publishers of the newspapers in which the public general laws shall have been published in conformity with the provisions aforesaid, the compensation to which they may be respectively entitled for publishing said general laws; the said warrant shall be issued within six months from the time of publications aforesaid; provided, however, that not more than six hundred dollars shall be paid for the publication of said laws in any one county, and not more than six hundred dollars shall be paid to each of the three papers for the publication of said laws as aforesaid in the city of Baltimore.

## ARTICLE LXXVII.

## PUBLIC EDUCATION.

**Formation of Boards.**

5. Of whom the State board of education shall consist. Appointment.
6. Of whom the board of county school commissioners shall consist. Appointment.
7. Of whom the board of district school commissioners shall consist. Appointment.

**Duties of the State Board of Education.**

11. Provisions of this article to be carried into effect by said board.

**Duties of the County School Commissioners.**

18. Meetings; compensation; proviso.
19. Said board are a body politic; powers of.
24. Said board shall report annually to the State board of education. Also to publish a statement of receipts and disbursements.
25. Vacancies, how filled.

**Schools.**

39. What studies shall be taught.
42. When assistants may be appointed.
47. Terms of schools; vacations.

**Text-Books.**

59. How text-books are to be purchased and adopted.
60. Provision for the delivery and care of said books.
61. Account to be kept of monies expended under this provision.

- 61 A. Appropriations to carry out this provision.

- 61 B. Text-books upon civil government to be furnished the public schools of the State.

**County Examiner.**

64. To whom certificates of qualification shall be issued.
- 67 A. County school examiner may have any deposit or trust company as surety upon his bond.

**State Normal School.**

71. Of whom the faculty of said school shall consist; their duties. Teachers' Institute director to be appointed for holding such institute.
76. Appropriation for support of the State Normal School.

**District Libraries.**

- 87 A. Public library to be established. Tax to be levied for maintenance of such.
- 87 B. Public vote to be taken.
- 87 C. Board of directors to be appointed for said library.
- 87 D. Tenure of members of library board.
- 87 E. Vacancies in such board, how filled.
- 87 F. Election of officers by directors. Secretary-treasurer—his bond. Powers of board.
- 87 G. Money received from such library, how deposited.
- 87 H. Such library shall be free.
- 87 I. Annual report of library board.

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| <p>87 J. Ordinances may be passed imposing penalties for injury to library property or retention of books.</p> <p>87 K. Library board may receive and hold devises, bequests and donations.</p> <p>87 L. Copies of laws, journals and other books to be furnished by the State. Annual report to be sent to the State library.</p> <p><b>Manual Training Schools in the Counties.</b></p> <p>110. Building for use of such schools.</p> <p>111. Principal or other teacher in State Normal School to give certificate of approval.</p> <p>112. Warrant of \$1,500 for support of said schools to be issued.</p> <p>118. Said schools to be under management and control of board of county school commissioners.</p> | <p>114. Separate colored industrial schools. Salaries for teachers of such, how to be paid.</p> <p>115. Certificate of approval of such schools.</p> <p>116. Warrant of \$1,500 for the support of such schools.</p> <p>117. How appropriation for benefit of any manual training school shall be paid.</p> <p>118. How appropriation for the benefit of colored industrial school shall be paid.</p> <p><b>Farmers' Institutes.</b></p> <p>119. Establishment of such institutes.</p> <p>120. One such institute to be held annually in each county.</p> <p>121. Director of said institutes.</p> <p>122. Appropriation for this provision.</p> <p>128. Accounts to be kept and report published.</p> |
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### Formation of Boards.

1890, ch. 157.

5. The Governor, by and with the advice and consent of the Senate, shall appoint at every regular session of the General Assembly, four persons, (one of whom shall be a resident of the Eastern Shore,) who, together with the Governor and the principal of the State normal school, shall constitute the State board of education.

1892, ch. 341.

6. The Governor, by and with the advice and consent of the Senate, shall appoint a board of county school commissioners for each county, to be composed in the counties of Baltimore, Carroll, Frederick and Washington, of six persons and in each of the other counties of three persons, of whom one third in each county shall serve for a term of two years, one-third shall serve for a term of four years, and one-third shall serve for a term of six years from the first day of August next succeeding their appointment, and until their successors shall qualify; provided,

that the present board of school commissioners for Garrett county shall remain in office for the term for which they were appointed by the Governor, and until their successors are selected and qualified. The member or members of each board who shall serve for two, four and six years, respectively, to be designated by the Governor at the time of making the appointments, and hereafter, the Governor, by and with the advice and consent of the Senate, shall appoint at every regular session of the General Assembly in each of the counties of Baltimore, Carroll, Frederick and Washington, two county school commissioners and in each of the other counties, one county school commissioner to serve for a term of six years from the first day of August next succeeding their appointment, so that one-third of each board of county school commissioners shall be appointed every two years.

Co. Commrs. v. School Commrs. 77 Md. 288. Hooper v. New, 85 Md 581. Ash v. McVey, 85 Md. 126.

1892, ch. 515. 1894, ch. 378.

7. The board of district school trustees shall be composed of three persons, who shall be appointed by the county school commissioners on the first day of May, or at their first meeting thereafter, in each year, and who shall meet within thirty days after their appointment, and enter upon the duties assigned them in chapter five of this article. At their first meeting they shall appoint a chairman to hold office for one year, and shall give notice of the appointment to the secretary of the board of county school commissioners.

#### **Duties of the State Board of Education.**

1898, ch. 221.

11. The said board of education shall, to the best of their ability, cause the provisions of this article to be carried into effect and may, if necessary, institute legal proceedings for that purpose, with the direction and advice of the attorney general; they shall enact by-laws for the administration of the public school system, not at variance with this article, which when enacted and published shall have the force of law. They shall have the power to suspend or remove any examiner or teacher who may be found inefficient in or incompetent for the discharge of duties

assigned him, or guilty of such moral delinquency as unfits him for the office he holds; they shall explain the true intent and meaning of the law, and they shall decide, without expense to the parties concerned, all controversies and disputes that arise under it; and their decisions shall be final.

School Board v. Wagaman, 84 Md. 162.

### **Duties of the County School Commissioners.**

1892, ch. 841.

**18.** The board of county school commissioners shall meet for organization on the first Tuesday in August next succeeding their appointment, or as soon thereafter as may be, and elect a person, not a member of the board, who shall serve as secretary, treasurer and examiner, and notice of such election signed by the president of the board shall be transmitted to the comptroller; provided, that in counties having more than eighty-five schools, the board may, in their discretion, appoint one assistant examiner and fix his salary. The board shall meet once in every school term, and at other times if necessary, for the transaction of business; each commissioner shall receive per day for each day of his attendance at the board or on committees appointed by the board, the sum of four dollars; provided, that the aggregate amount paid in one year to commissioners as per diem, or any other compensation, shall not exceed an average of one hundred dollars for each commissioner.

Co. Commrs. v. School Commrs., 77 Md. 288. Ash v. McVey, 85 Md. 126.

1892, ch. 538.

**19.** The board of county school commissioners is hereby declared to be a body politic and corporate by the name and style of the board of county school commissioners of \_\_\_\_\_ county, and by that name shall have perpetual succession, and shall be capable to sue and be sued, to have and use a common seal, and the same at their pleasure to alter or break, and to exercise all the powers and privileges hereby granted to or vested in them; and every county school commissioner and county school examiner shall have power to take affidavits and administer oaths in all matters pertaining to public schools, but without charge or fee.

1890, ch. 324.

**24.** The board of county school commissioners shall, on or before the first day of October, in every year, make a report to the State board of education, in such form as may be prescribed by the latter, of the schools and all matters affecting the educational interests of the county; they shall also publish annually, in the month of November, in such form and manner as they may deem proper, a statement of their receipts and disbursements, including the money received and expended on account of textbooks, and a statement of the indebtedness of the board at the close of the fiscal year, and forward a copy to the State board of education.

1892, ch. 341.

**25.** In case of the death of any county school commissioner, or his resignation, or removal from the county or disqualification from any legal cause during the recess of the General Assembly, the Governor shall have power to appoint a qualified person to fill the vacancy for the unexpired term; in case of inefficiency, refusal to act or breach of trust, the board may by a vote of a majority of its members, declare the office vacant and give notice to the party concerned. An appeal may be taken to the State board of education, whose decision shall be final, but if no appeal be taken within ten days, the vacancy shall be filled as hereinbefore provided.

Co. Commrs. v. School Commrs., 77 Md. 288. Ash v. McVey, 85 Md. 126.

### **Schools.**

1898, ch. 221.

**39.** In every district school there shall be taught orthography, reading, writing, English grammar, geography, arithmetic, history of the United States, good behavior, algebra, book-keeping, natural philosophy, the constitution of the United States, the constitution and history of the State of Maryland, vocal music, drawing, physiology, the laws of health and domestic economy; and the elements of agricultural science may, in the discretion of the State board of education, be added to the branches required to be taught in the State normal school and in the public schools in the various counties of the State. In districts where there is considerable German population, the board of county school com-

missioners are authorized to cause the German language to be taught, if they think proper to do so.

1892, ch. 538.

**42.** Whenever a school numbers more than forty children in average attendance, an assistant may be employed by the board of county school commissioners in their discretion, and for every additional forty children one teacher may be appointed, and the board of county school commissioners shall direct the division of the pupils so as to form a graded school.

1890, ch. 324.

**47.** The school year shall be divided into four terms, which shall be designated the fall term, winter term, spring term and summer term, and the time of beginning and closing each term shall be regulated by the board of county school commissioners; provided, that the financial reports of the schools of the State shall be made up, and rendered to the thirty-first day of July, inclusive, of each and every year; and provided further, that there shall be no change in or encroachment upon the holidays and vacations set forth and established in the following paragraphs: The month of August shall be vacation throughout the whole State, and the following days shall be holidays, viz: Thanksgiving day; from Christmas eve to the first day of January, inclusive; Washington's birthday; the fourth day of July; from the Friday before Easter to the Monday after Easter, inclusive, and the Monday of Whitsuntide, and the remaining month of vacation shall be fixed and designated by the board of county school commissioners, to subserve the convenience and advantage of their respective counties; in case it may be necessary to open school for a fraction of a term, it shall close at the end of the term, and all accounts shall be settled at the meeting of the board of county school commissioners held at the close of the term.

#### **Text-Books.**

1896, ch. 135.

**59.** The board of public school commissioners of Baltimore city, and each board of county school commissioners, shall adopt and purchase text-books for use in the public schools of said

city and of the several counties in the State, as such new text-books are required, and when so procured, the necessary text-books shall be furnished free of cost for use in the public schools of the State, subject to the order of said boards, on or after the first day of August, 1896; but said boards shall have the right at any time to change any series of text-books already in use or hereafter adopted; provided, that text-books shall be furnished under the provisions of this article to the several grades in the public schools, successively, beginning with the first grade; and provided, that said boards shall not be required to expend during any school year for said text books, more than the several amounts of money received by said boards, respectively, under the provisions of this article; and provided, that indigent pupils of all grades shall receive text-books free of cost, as provided under the provisions of existing laws; and provided, the said respective boards shall adopt such means for the purchase of text-books by competitive bidding, as far as is practicable, and at the lowest possible price. And provided, that parents or pupils may purchase their own text-books when they may think proper; and provided further, that the several boards of school commissioners shall furnish annually to the State board of education the title, the name of the publisher, and the net price paid for each text-book so purchased; which information shall be set forth in full in the annual report made by the State board of education.

1896, ch. 135.

**60.** The said several boards shall authorize the delivery of text-books to the various public schools under their supervision, respectively. And shall provide for the issuing, safe keeping, care and return of the same, under such rules and regulations as they may severally adopt.

Ibid.

**61.** The said several boards shall keep an account of all moneys expended under the provisions of this article, and report the same in the annual financial accounts as required by law, and no money so received by them shall ever be used for any other purpose than for the purchase of school books, as provided by the two preceding sections.

1896, ch. 135.

**61 A.** The sum of one hundred and fifty thousand dollars is <sup>1907</sup> hereby appropriated, to be paid by the State treasurer upon the <sup>ch. 33</sup> warrant of the comptroller on the first day of August, 1896, and annually thereafter, and to be expended or as much thereof as may be necessary, for the purchase of text-books as provided in this article. The whole of said sum shall be apportioned by the comptroller in the month of July of each and every year, as the State school tax is now apportioned, and he shall immediately thereafter notify the treasurer of the several boards of county school commissioners of the counties and city of Baltimore, of the amount thus found to be due to each, and the same shall be paid to the treasurer of the board of school commissioners of Baltimore city and the several counties, upon the draft of the president and secretary of the several boards of county school commissioners and the city of Baltimore aforesaid.

1898, ch. 520.

**61 B.** The State board of education and the board of public school commissioners of Baltimore city are hereby required to furnish the public schools of this State with a text-book upon civil government in addition to the text-books now furnished them, and it shall be included in the branches of study now taught in the public schools and shall be taught to and be studied by all pupils whose capacity will admit of it, in all departments of the public schools of this State, and in all educational institutions supported wholly or in part by money from the State.

#### **County Examiner.**

1894, ch. 378.

**64.** No certificate of qualification as a teacher shall be issued to any male under nineteen years of age, or to any female under eighteen years of age.

1890, ch. 511.

**67 A.** In lieu of the security provided for in the last preceding section, the said bond may have the security of any deposit or trust company, or other similar company duly incorporated under the laws of this State, and having by law the power to act as such security.

**State Normal School.**

1898, ch. 221.

**71.** The faculty of the State normal school shall consist of the principal and of as many teachers as may be determined by the State board of education, who shall be appointed by said board, and have such salaries and perform such duties as said board may direct. The State board of education shall appoint as a member of the faculty of the State normal school a gentleman fully qualified, whose chief duty shall be to hold a teachers' institute in each county of the State for five days in each year, and who shall be paid such salary as the State board of education may determine. The said member of the faculty shall carry out the directions of the said board, and be amenable to the board. He shall be, when first appointed, not more than fifty years of age.

Ibid.

**76.** The annual sum of twenty thousand dollars is hereby appropriated for the support of the State normal school, to be paid in quarterly instalments by the treasurer, on the warrant of the comptroller, to the State board of education, and to be applied to the payment of teachers' salaries and the purchase of educational apparatus; for the salary of the principal of the normal school, his traveling expenses in attending meetings of the teachers' institute and superintending the schools throughout the State, and for such assistance as may be required in the State normal school during his absence on duty; and for text-books, fuel, stationery, light and other incidental expenses of the school.

**District Libraries.**

1898, ch. 515.

**87 A.** The governing board of any municipality incorporated under the laws of this State, shall have power to establish and maintain a public library and reading room for the use and benefit of such municipality, and may levy an annual tax, not exceeding five cents on each one hundred dollars of an assessed valuation of taxable property. Such tax to be collected and levied in like manner as other general taxes of said municipality, and when collected, to be known as the "library fund;" provided,

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that before such tax be laid, or such library established, the decision of the said governing board be ratified by a majority of the votes cast at a regular municipal election.

1898, ch. 515.

**87 B.** Whenever the governing board of any municipality shall vote to establish a public library, they shall notify the proper officers that public notice may be given, that at the next municipal election a vote will be taken as to the ratification of such decision; and that on the official ballot at said election there shall be placed spaces headed, "for the establishment of a public library," and "against the establishment of a public library."

Ibid.

**87 c.** When any municipality shall have voted to establish and maintain a public library and reading room under this sub-title the chief executive officer of such municipality shall appoint, with the approval of the municipal governing board, a board of nine directors for said library, chosen from the citizens at large with reference to their fitness for such office, and not more than one member of the said governing board shall be at any one time a member of said board of directors.

Ibid.

**87 D.** Said directors shall be known as the "library board," and shall hold office one-third for one year, one-third for two years and one-third for three years from the first of January following their appointment, and until their successors are chosen, and at their first regular meeting shall cast lots for the respective terms and annually thereafter the chief executive officer of the municipality shall, before the first of January of each year, appoint as before three directors, to take the place of the retiring directors, who shall hold office for three years, and until their successors are appointed. The chief executive officer of the municipality may, by and with the consent of the governing board, remove any director for misconduct or neglect of duty.

Ibid.

**87 E.** Vacancies in the board of directors occasioned by removal, resignation or otherwise, shall be reported to the chief executive

officer of the municipality and be filled in like manner as original appointments.

1898, ch. 515.

**87 F.** Said directors shall immediately after their appointment meet at the call of the chief executive officer of the municipality and organize by the election of a president and vice-president, a secretary and a treasurer; the treasurer so elected shall be required to give bond for the faithful performance of his trust in such sum as the said library board may determine, the said bond to be approved by said library board; directors shall receive no compensation; they shall make and adopt such by-laws, rules and regulations, not inconsistent with this sub-title, for their own guidance, and for the government of the library and reading rooms, as may be expedient; they shall have exclusive control of the expenditure of all moneys collected to the credit of the library fund, and of the construction of any library building, and of the supervision, care and custody of the grounds, rooms or buildings constructed, leased or set apart for that purpose; they shall have power to purchase or lease grounds, to occupy, lease or erect an appropriate building or buildings for the use of said library, appoint a suitable librarian and necessary assistants; they shall have power to fix the compensation of such appointees and to remove them if unsatisfactory, and shall in general carry out the spirit and intent of this sub-title, in establishing and maintaining a public library and reading room.

Ibid.

**87 G.** All moneys received for such library shall be deposited in the treasury of said municipality to the credit of the library fund, and shall be kept separate and apart from other moneys of such municipalities and drawn upon by the proper officers of said municipality upon the properly authenticated vouchers of the library board.

Ibid.

**87 H.** Every library and reading room established under this sub-title shall be forever free to the use of the inhabitants of the town or city where it is located, always subject to such reasonable rules and regulations as the library board may adopt; in

order to render the use of said library and reading room of the greatest benefit to the greatest number of the people, said board may exclude from the use of said library and reading room any and all persons who shall wilfully violate such rules, and may extend the privileges and use of such library and reading room to persons outside of such municipality upon such terms and conditions as said board may from time to time by its regulations prescribe.

1898, ch. 515.

**87 i.** Said library board shall make an annual report to the municipality on or before the twentieth day of January, stating the condition of their trust on the first day of January in that year, the various sums of money received from the library fund and from other sources, and how much moneys have been expended, and for what purposes, the number of books and periodicals on hand, the number added by purchase, gift or otherwise, during the year, the number lost or missing, the number of such books loaned out, and the general character and kind of such books, with such other statistics and information and suggestions as they may deem of general interest. All such portion of said report as relates to the receipt and expenditure of money shall be verified by affidavit, and shall be subject to audit of the municipal councils.

Ibid.

**87 j.** The governing board of said municipality shall have power to pass ordinances imposing suitable penalties for the punishment of persons committing injury upon such library or the ground or other property thereof, and for the injury or failure to return any book belonging to such library.

Ibid.

**87 k.** The said library board may receive, hold and possess, or sell and dispose of all such gifts, donations, devises, bequests and legacies as may be made to the municipality or to said library board for the purpose of establishing, increasing or improving such public library. The library board shall act as trustees, and have control of such gifts, donations, devises, bequests and legacies, and may apply the proceeds, interests,

rents and profits accruing therefrom in such manner as will best promote the prosperity and utility of such library; provided such application be according to the terms of the gifts, donations, devises, bequests and legacies.

1898, ch. 515.

**87 L.** Every public library established under this sub title shall receive annually from the State a copy of the laws, journals and all other books published by the authority of the State, and in return therefor shall transmit a copy of its annual report to the State library.

Ibid.

**87 M.** All real estate acquired for the use and benefit of any library and reading room as aforesaid established, with the accrements thereon, and all property that shall be a part of any such library and reading room shall be exempt from all State, county and municipal taxation.

#### **Manual Training Schools.**

1898, ch. 273.

**110.** It shall be the duty of the board of county school commissioners, when a suitable building, or room or rooms connected with one of the large graded schools or high schools shall be provided by the county, or money sufficient for the erection of such building, or room or rooms, to accept the same, (if, in the judgment of the board, there is any necessity therefor,) and thereafter to provide for the maintenance of a manual training school, or manual training department, for said county, and the salaries of teachers and manual training instructors, out of the general school fund and the State aid hereinafter provided.

Ibid.

**111.** Whenever a manual training school, or manual training department, is opened in any county, the president and secretary of the board of county school commissioners of said county shall report to the secretary of the State board of education, and the State board of education shall, without delay, proceed to appoint the principal of the State normal school, or one of the teachers in said school, well qualified for such service, to visit the school

and give a certificate of approval of its condition and the plan upon which it is conducted; and thereafter the president and secretary of the board of county school commissioners shall report to the comptroller the condition of the school, the number of instructors, and the number of pupils enrolled, on or before the twentieth day of January in each year.

1898, ch. 278.

**112.** The comptroller of the treasury, after receiving the certificate of approval concerning the county manual training school, or manual training department, according to the provisions of section 111, is hereby authorized and directed to issue his warrant upon the treasurer of the State for the sum of fifteen hundred dollars, payable to the order of the treasurer of the board of county school commissioners of the county filing the certificate of approval aforesaid, out of any moneys in the State treasury not otherwise appropriated, on the first day of October in each year, for the support of said manual training school, or manual training department.

Ibid.

**113.** The county manual training school, or the manual training department, and the school to which it is attached shall be under the management and control of the board of county school commissioners.

Ibid.

**114.** It shall be the duty of the board of county school commissioners of each county in this State, whenever a suitable building, or room or rooms connected with one of the colored schools of said county, shall be provided by the county to accept the same, (if, in the judgment of the said board there is any necessity therefor,) and thereafter to provide for the maintenance of such number of separate colored industrial schools as in their judgment may be needed, and the salaries of such teachers as may be required for that purpose shall be paid out of the general fund and the State aid hereinafter provided.

Ibid.

**115.** Whenever any such separate colored industrial school or schools are opened in any county, the president and secretary of

the board of county school commissioners of said county shall report the fact to the secretary of the State board of education, and the State board of education shall without delay proceed to appoint a proper person well qualified for such service, to visit the said school or schools and give a certificate of approval of its condition and the plan upon which it is conducted, and thereafter the president and secretary of the said board shall report to the Comptroller of this State the condition of said school or schools, the number of instructors and the number of pupils enrolled during the school year last ended, on or before the 20th day of August in each year.

1898, ch. 273.

**116.** The comptroller of the treasury upon receiving the certificate of approval concerning the county colored industrial school or schools, as aforesaid, according to the provisions of the next preceding section, is hereby authorized and directed to issue his warrant upon the treasurer of the State for the sum of fifteen hundred dollars, payable to the order of the treasurer of the board of county school commissioners of the county, upon the filing of the certificate of approval aforesaid, out of any moneys in the State treasury not otherwise appropriated, on the first day of October in each year, for the support of said colored industrial school or schools, and thereafter the said industrial school or schools shall be under the management and control of the said board of county school commissioners.

Ibid.

**117.** No entire appropriation for the benefit of any manual training school, provided for under this sub-title, shall be paid as authorized, after the first annual appropriation, unless said school shall have had an average daily attendance of thirty scholars for the preceding year; and in case said attendance shall fall short of said number, then there shall only be paid towards the maintenance of said school at the rate of fifty (\$50.00) dollars for each scholar of its daily average annual attendance, to be determined by the report hereinbefore required to be made to the comptroller.

1898, ch. 273.

**118.** No appropriation for the benefit of the colored industrial schools of any county, provided for under this sub-title, shall be paid after the first annual appropriation, unless the average daily attendance at such school or schools shall have been, for the preceding year, at least thirty scholars; and in case said attendance shall fall short of said number, then there shall be paid to the treasurer of the county school commissioners maintaining said school or schools, only at the rate of fifty (\$50.00) dollars a scholar, for the daily average annual attendance at the same, to be determined by the report hereinbefore required to be made to the comptroller.

*118 A. & B. added 1902 ch. 418.*

**Farmers' Institutes.**

1896, ch. 102.

**119.** A department of "Farmers' Institutes" shall be established for the State of Maryland; the purpose of these institutes shall be to bring before the farmers of the State such information as will effectually remedy many of the existing evils now prevalent in every department of agriculture as now pursued in Maryland; and at said institutes men competent to instruct shall be present, and such topics shall be discussed as pertain to the principal agricultural interests of the several sections.

*Ibid.*

**120.** One such institute shall be held in each year in each county of the State, and an additional one in each county, if deemed necessary and desirable.

*Ibid.*

**121.** Said institute shall be under the direction of a director, to be appointed by the trustees of the Maryland Agricultural College, who shall be a person well versed in the profession of agriculture, and of practical experience, whose title shall be "Director of Farmers' Institutes," whose salary shall be fixed by said board of trustees and paid out of the appropriation hereinafter provided, and whose duties shall be defined by said board; the said institutes shall be a department of said college, similar to the experiment station; all expenses of said institute shall be paid out of said appropriation; and said board of trustees is

invested with all powers necessary to carry into effect the provisions of this sub-title, but no expenses shall be incurred beyond the amount appropriated.

1896, ch. 102.

**122.** The sum of three thousand dollars per annum is hereby appropriated for the formation and support of Farmers' Institutes in this State; and the comptroller is hereby authorized to issue his warrant, annually, upon the treasurer of the State, for the said sum of money, out of any fund not otherwise appropriated; the said sum of money shall be payable to the order of the Maryland Agricultural College, on or after the first of October of each fiscal year; and the first yearly payment shall be made during the fiscal year ending September thirtieth, eighteen hundred and ninety-six.

Ibid.

**123.** Accurate accounts of the expenditures of the money received under this sub-title shall be kept by the registrar of the Maryland Agricultural College separate from the general college accounts; and an itemized and detailed report of such expenditures shall be made annually and published in such manner as the board of trustees of the Maryland Agricultural College shall direct.

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## ARTICLE LXXVIII.

### PUBLIC PRINTER.

8. All acts to be copied before delivery to the clerk of the Court | of Appeals. Appropriation therefor.

1894, ch. 346.

**8.** It shall be the duty of the Governor promptly after his approval of bills passed by the General Assembly, before delivering the same to the clerk of the Court of Appeals, to cause the same to be copied, as well as the bills which become laws without

such approval, and such copies, certified under the great seal, to be forthwith forwarded to the public printer for his use in printing the laws; and the sum of eight hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any funds in the treasury not otherwise appropriated for the payment of the persons employed to make said copies, at the rate of ten cents per hundred words.

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## ARTICLE LXXVIII A.

### PUBLIC ROADS.

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| 1. Commission for the investigation of road construction.                                       | 4. Commission to make report.  |
| 2. Said commission to make necessary appointments of assistants.                                | 5. Record of all monies received and spent to be kept.                       |
| 3. Duty of commission to see that proper investigation is made of roads and their improvements. | 6. All monies paid out to be paid by State treasurer.                        |
|   | 7. Appropriation of ten thousand dollars annually to carry out this article. |

1898, ch. 454.

1. The commission established by Article XCI, title Surveyor, sub-title State Geological and Economic Survey, is hereby authorized to make provision for the investigation of the question of road construction in Maryland.

Ibid.

2. The said commission is hereby authorized to appoint, under the direction of the superintendent of the survey, such assistants and other employes as they shall deem necessary, and the said commission shall also determine the compensation of all persons employed and may remove them at pleasure.

1898, ch. 454.

3. The said commission shall see that proper investigation is made of the condition of the roads in this State, and of the best means of improving the same, together with a study of the classification and distribution of the road building materials in the several counties.

Ibid.

4. The said commission shall see that a report upon the state of the roads and the best method of improving, constructing and maintaining the same, with estimates of costs, expenses and plans, be submitted to the next session of the Legislature, and that special reports be prepared at such time as they are deemed necessary.

Ibid.

5. The said commission shall see that record is kept of all its proceedings, and of all moneys received and spent under its direction, and for what purposes; which record and account shall be submitted to the said commission at the semi-annual meetings of the same to take place in March and November, such records and accounts to be always open to the inspection of any committee which the Legislature may appoint.

Ibid.

6. All moneys paid out on account of this work shall be paid by the State treasurer upon the order of the executive officer of the commission, endorsed by the comptroller.

Ibid.

7. The sum of ten thousand dollars annually, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated, for the purpose of carrying out the provisions of this article.

# ARTICLE LXXXI.

## REVENUE AND TAXES.

### State and County Taxes.

1. Taxes, how levied.

### Valuation and Assessment.

2. What properties shall be assessed.

### Exemptions.

4. Exemptions from taxation.
- 4A. Fifteen acres of land purchased for erection of monuments and parks in memory of soldiers in our civil war to be exempt from taxation.

### Appeals.

- 18A. Right of appeal from assessment of property. Such appeal not to apply to assessments under the general assessment acts of 1896.
- 18B. Excess of tax to be allowed appellant when his appeal is sustained.

### Rate and Items for State Tax.

22. State tax levy for support of schools; to create sinking fund for redemption of State debt, etc.

### Refunding to Tax Collectors Overpayments by Them.

- 48A. List of overpaid taxes to be made by comptroller and treasurer for each General Assembly. Provision to be made for refunding same.

### Sales by Collectors.

- 68A. Clerk shall record and index proceedings for sale of real estate for taxes. Cost, how to be paid.

### Sales by Ministerial Officers.

64. Taxes in arrear upon property sold by ministerial officer under judicial proceedings to be first paid out of proceeds.
- 64A. State taxes upon property of corporations sold by ministerial officer or under judicial proceedings to be first paid out of proceeds.

### Payment of Taxes by Corporations.

- 86A. No exemption under provisions of section 86, as to savings banks.
- 88A. Penalty of failure of corporation to pay State taxes.
- 88B. Proceedings in such cases.
- 88C. Certificate of comptroller under seal shall be *prima facie* evidence.
- 88D. Comptroller may employ attorney to conduct proceedings. State treasurer only to receive and receipt for monies due the State in such proceedings.
- 88E. Failure to pay State taxes for two years shall constitute forfeiture of charter in such cases.

### Bonus on Capital Stock.

- 88F. Bonus on capital stock of corporation to be paid.
- 88G. Duty of comptroller in case of failure to pay bonus.
- 88H. Suit to recover bonus.
- 88I. When charter shall be forfeited for non-payment.

88 J. Certificate of comptroller to be *prima facie* evidence.

88 K. Corporations incorporated prior to the passage of the act of March 21, 1894, not to be released from payment of bonus under pre-existing law.

#### **Collateral Inheritance Tax.**

115 A. What property shall be subject to such tax; how its value is to be ascertained.

120. Summons to parties entitled to administer to show cause why they do not administer.

124. Clerks and registers to account quarterly with the State treasurer.

#### **Safe Deposit, Trust, Guaranty and Fidelity Companies.**

132 A. Chief officer of security and other such corporations to make annual report to State tax commissioner of their trust investments.

#### **Banks and other Corporations.**

141. Statement of real property to be made by presidents of such companies to county commissioners or Appeal Tax Court of Baltimore city. How the taxable value of shares of stock in such corporations shall be ascertained. Duty of State tax commissioner. Provisions as to railroad companies.

#### **Tax on Gross Receipts of Certain Corporations.**

146. Tax upon gross receipts of railroad, telegraph, cable, express or transportation, telephone, parlor car, sleeping car, safe deposit, trust, guarantee, fidelity, oil pipe line, title insurance, electric light, electric

construction, gas, guano, phosphate and fertilizer companies.

146-1 to 146-18. Provisions in detail for the ascertainment, enforcement and collection of such gross receipts taxes.

#### **Tax on Mortgages.**

146 A. Tax of eight per centum upon interest on mortgages.

146 B. When the year for such collection shall begin and end. Discount upon such taxes when allowed.

146 C. Covenant by mortgagor to pay mortgagee's tax to be null and void.

146 D. Oath of mortgagee.

146 D-1. Oath of mortgagee.

146 E. Unreleased mortgages; clerks to furnish lists to county commissioners and Appeal Tax Court.

146 E-1. Clerks of county commissioners and Appeal Tax Court to make returns to comptroller of treasury.

146 F. Mortgagor paying tax shall have amount with interest deducted from mortgage debt.

#### **Mode and Measure of Assessment and Taxation.**

173. Schedule to be sent to owners of property. Filling out of such schedules. To be sworn to.

174. Affidavit by person returning schedule.

175. False return. Penalty for such.

176. Assessor to administer oath. Penalty for charging therefor.

177. Penalty for agreement to return a less amount of property than should have been returned.

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| <p>178. Return of schedules. Duty of assessors. As to location of assessed property. Railroad stock. Shares in banks. Method of valuing all property in this State, not exempted.</p> <p>179. Omitted property.</p> <p>180. Penalty for failure to return schedule.</p> <p>184. Denial of ownership. Petition to be filed. Proceedings.</p> <p>185. State tax commissioner to file a petition against boards of control and review for refusal to assess property. Duty of courts.</p> <p>186. Right of appeal.</p> <p>187. Supervision of assessors, boards of control and review and clerks, by State tax commissioner.</p> <p>188. Penalty against assessors, boards of control and review and clerks for non-performance of their duties. Penalties for other offenses affecting assessments of property.</p> <p>191. Who ineligible as assessor.</p> <p>192. Biennial revision of assessments.</p> <p>193 A. Power of county commissioners to value all personal property and revise valuations and assessments of real property. Penalties and requirements of this article, when in force.</p> <p>194. Taxation and assessment of certificates of indebtedness issued by any individual or firm, where to be assessed. Measure of assessment thereon.</p> <p>195. Refusal to give bonds to be <i>prima facie</i> evidence of intention to evade payment of taxes.</p> <p>196. Exceptions and provisos.</p> | <p>197 A. Contents of lists shall not be disclosed.</p> <p>198. Taxation of shares of building associations.</p> <p>199. Situs of rolling stock of railroad companies for purposes of taxation.</p> <p>200. Payment of tax on mortgages by railroad companies.</p> <p>201. Assessment and taxation of corporate bonds, certificates of indebtedness, etc.</p> <p>202. Assessment and taxation of bridges and tunnels.</p> <p>203. Shares of stock in any bank (other than national bank) doing business in this State, how valued and assessed.</p> <p style="text-align: center;"><b>Distilled Spirits.</b></p> <p>204. Taxation upon such spirits.</p> <p>205. Distillers to report to tax commissioner.</p> <p>206. Valuation of such spirits to be fixed by tax commissioner.</p> <p>207. Quarterly reports of the delivery of such spirits to be made by distiller.</p> <p>208. Spirits shall not be removed until tax is paid.</p> <p>209. Penalty for making false report.</p> <p>210. All necessary information must be given by distillers. Penalty for refusal.</p> <p>211. Person paying tax on such spirits shall have lien thereon.</p> <p>212. Reports and returns must contain description of such spirits.</p> <p>213. Tax commissioner to prescribe forms and blanks for such reports and returns.</p> <p style="text-align: center;"><b>Sale of State's Interest in Works of Internal Improvements and in Corporations.</b></p> <p>214. Sale of State's interest in works of internal improvements and its investments in corpora-</p> |
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| <p>tions. Board of public works shall advertise for sealed proposals. Sale to highest bidders may be made.</p> <p>215. What property the board may sell. Proceedings of the board.</p> | <p>216. May sell at private sale, if unable to obtain satisfactory public proposals.</p> <p>217. Appropriation of \$500 for expense of carrying this sub-title into effect.</p> |
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### State and County Taxes.

1896, ch. 120.

1. All State and county taxes and all municipal taxes shall be levied upon the assessments made in conformity with the provisions of this article, and in conformity with all laws relating to revenue and taxes and not embraced in this article.

### Valuation and Assessment.

1896, ch. 120. 1896, ch. 143.

2. All interests, shares or proportions owned by residents of this State in all ships or other vessels, whether such ships or other vessels be in or out of port, are and shall be valued and assessed for the purpose of State, county and municipal taxation to the respective owners thereof in the county or city in the State in which said owner or owners shall respectively reside and such respective owners shall pay the taxes thereon. All real properties in this State belonging to any bank incorporated under the laws of this State or of any other State, or belonging to any national bank located in this State, or to any company or corporation incorporated by or under the laws of this State, or of any other State, or under the laws of the United States, or of any territory or under the laws of the United States relating to the District of Columbia, or belonging to any joint stock company doing business in this State, are and shall be valued and assessed for the purpose of State, county and municipal taxation as the property of such bank, company, corporation or joint stock company, and such bank, company, corporation or joint stock company shall pay such respective taxes thereon. All money belonging to residents of this State, which shall be the proceeds of the sale of stocks, bonds or other property disposed of for the purpose of evading and escaping taxation, all shares or interest in any joint stock company, and all shares of stock in any bank incorporated under the laws of this State, or any

national bank located in this State, or in any corporation incorporated under the laws of the State shall be valued and assessed for the purpose of State, county and municipal taxation, to the owners thereof in the county or city in this State in which said owners may respectively reside ; the taxable value of such shares shall be ascertained and determined, and the taxes thereon levied and collected as is now or may be hereafter provided by law.

All personal property in which any resident of this State has an equitable interest with the legal title to the same in some other person or corporation who is a non-resident shall be valued and assessed for the purposes of State, county and municipal taxation to the equitable owners thereof in the county or city in which he, she or it resides, and such equitable owner or owners shall pay the taxes thereon.

All shares of stock or shares in any bank other than a national bank, or in any company or corporation incorporated by or located in, and doing business in any other State or District of Columbia, or in any territory or foreign country owned by residents of this State shall be valued and assessed for the purposes of State, county and municipal taxation, to the owners thereof in the county or city in which said owners may respectively reside. All bonds made or issued by any State or District of Columbia or territory, or by any corporation whatsoever belonging to the residents of this State, all investments in private securities of every kind and description belonging to the residents of this State, the real property located in this State, and the personal property owned by any corporation incorporated by this State, not having a capital divided into shares, or having shares of capital stock which are wholly or in part exempted from taxation by this State when such real or personal property so owned by said corporation is not protected from taxation, by the exemption of said shares of stock from taxation shall be valued and assessed for the purpose of State, county and municipal taxation to the owners thereof, in the county or city in which such owners may respectively reside ; all certificates of indebtedness or evidences of debt in whatever form made or issued by any State, territory or by the District of Columbia, or by any public corporation or by any foreign country owned by residents of this State, shall be valued and assessed for State, county and municipal taxation to the

owners thereof in the county or city of this State in which such owners may respectively reside.

The property, real and personal, of each and every railroad company in this State, working its road by steam power, shall be valued and assessed for county and municipal purposes in the same manner as the property of individuals may be valued and assessed under this article. The shares of capital stock of national banks located in this State, and of all other corporations incorporated under the laws of this State, shall be valued and assessed to the owners thereof residing in the city of Baltimore, and in the several counties of this State, at the same rate at which the same have been or shall be valued by the State tax commissioner for the year 1896; subsequent valuation of said stock shall be made in the manner now or hereafter provided by law; and it shall be the duty of the State tax commissioner to furnish the assessors in the city of Baltimore, and of the several counties with a copy of the valuation so made of the shares of capital stock of each of such banks, and each and every of such corporations of this State for the year 1896; and the said assessors shall record in a separate book all valuation and assessments of all shares of stock of all corporations incorporated under the laws of this State, having a capital stock, whether the same be divided into shares or not, together with the names and residences of persons having an interest therein, the amount of such interest; and upon the completion of the assessment of all the taxable property in any county of this State, or any assessment district of Baltimore city; said book shall be delivered to the State tax commissioner for his information and guidance in the discharge of his official duties; and the valuation and assessment of said shares of stock shall not be returned by the said assessors to the boards of county commissioners acting as boards of control and review for the several counties and the boards of control and review of Baltimore city. All bonds and certificates of indebtedness bearing interest, issued by any railroad or other corporation of this State secured by mortgage of property wholly within this State, belonging to residents of this State, shall be subject to valuation, assessment and taxation to the owner or owners thereof, in the same manner as like bonds or certificates of indebtedness, bearing interest and secured by mortgage of property partly in this State and partly

in some other State or States, are now subject to valuation and assessment under the laws of this State. All other property of every kind, nature and description within this State, except as provided by the fourth section of this article, shall be valued and assessed for the purpose of State, county and municipal taxation to the respective owners thereof in the manner prescribed by this article; provided, nothing contained in this section or article shall repeal, modify or affect sections 86 and 86 A, relating to the taxation of savings banks, or sections 204 to 213, both inclusive, relating to the taxation of distilled spirits.

#### Exemptions.

1896, ch. 120.

4. The provisions of this article shall not apply to any bonds or stocks or evidence of indebtedness, issued by the United States belonging to residents of this State nor to any property in this State belonging to the United States or to this State, or to any county of this State, or incorporated city or town in this State nor to houses or buildings used exclusively for public worship, nor to the furniture contained therein, nor to the parsonage connected therewith, nor to the grounds appurtenant to such houses, nor to buildings so exclusively used for public worship or as parsonages which are necessary for the respective uses thereof, nor shall the provisions of this article apply to graveyards, cemeteries or cemetery companies which do not accumulate profits for any purpose except for the maintenance or improvement of such cemeteries or graveyards as cemeteries or graveyards, nor to burying grounds set apart for the use of any family or belonging to any church or congregation, nor to crops or produce of any land in the hands of the producer or his agent, nor to provisions and fuel kept for the use and consumption of the family of the person to whom such provisions and fuel shall belong, nor to the working tools of mechanics or artisans, moved or worked exclusively by hand, nor to the first three hundred dollars in value of the farming implements of any farmer, nor to wearing apparel of any description except diamonds and other costly jewelry not habitually worn on the person, nor to fish while in the possession of fishermen employed in catching, salting and packing the same, or while in possession of their agents unsold, nor to buildings,

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equipment and furniture of hospitals, asylums, charitable or benevolent institutions, or to the grounds appurtenant thereto in any city or incorporated town of this State which are necessary to the respective uses thereof, nor to the buildings, equipments and furniture of hospitals, asylums, charitable or benevolent institutions in any county of this State, but not within any city or incorporated town of this State nor to the ground not exceeding forty acres appurtenant respectively thereto, which are necessary for the respective uses thereof, nor to the buildings, furniture, equipment or libraries of incorporated educational or literary institutions, or to the ground appurtenant thereto, in any city or incorporated town of this State which are necessary for the respective uses thereof, nor to the buildings, equipment or libraries of incorporated educational or literary institutions in any county of this State, nor to the ground, not exceeding forty acres, appurtenant respectively thereto, which are necessary for the respective uses thereof, nor to the personal property of any corporation incorporated by this State, and having capital stock divided into shares, when said shares of said corporation are subject to taxation under the laws of this State, nor to the shares of stock of railroad companies working their roads by steam power, incorporated by or under the laws of this State, which are subject to taxation upon their gross receipts within this State, and to county and municipal taxation upon their respective real and personal property in the respective counties and cities of this State, in which such respective properties are located, nor to the book accounts or bills receivable or evidences of debt given for such accounts of any person engaged in commercial business who is taxed upon the fair average value of his stock of goods, wares and merchandise; and every person engaged in commercial business shall be taxed upon the fair average value of his stock in such business during the year preceding the assessment upon which such tax is levied; and each and every one of said exemptions from taxation shall be strictly construed.

1892, ch. 300.

4 A. Real property purchased in the State of Maryland by survivors of the late war for the purpose of erecting monuments and for laying commemorative parks in memory of those who

fought on both sides in the late war, is hereby perpetually exempted from taxation for all State, county and municipal purposes; provided, that no greater quantity than fifteen acres shall be so exempted for any one association.

### **Appeals.**

1896, ch. 322.

**18 A.** Any person or persons, or corporation, claiming to be aggrieved because of any assessment made by the Appeal Tax Court of Baltimore city, or because of the failure to reduce or abate an existing assessment, may, by petition appeal to the Baltimore City Court to review an assessment of real or personal property, for the purpose of taxation made in Baltimore city, when the petition shall set forth that the assessment is illegal, specifying the grounds of the alleged illegality, or is erroneous by reason of over valuation or is unequal in that the assessment has been made by a higher proportion of valuation than other real or personal property on the same roll, by the same officers, and that the petitioner is or will be injured by such alleged illegality, unequal or erroneous assessment; which appeal shall be taken within thirty days after an assessment has been made as aforesaid, or within thirty days after the refusal to reduce or abate an existing assessment, and on such appeal, the court may and shall appoint a day for hearing said appeal, which shall not be less than five nor more than thirty days after the expiration of the thirty days' limit for taking appeals as aforesaid; and shall direct the clerk of the said court to issue a subpoena *duces tecum* to the judges of the Appeal Tax Court of Baltimore city, requiring them to produce and deliver to said court the record of the proceedings of the Appeal Tax Court of Baltimore city, and all maps, plats, documents and other papers connected with such record; and the said court shall have full power to hear and fully examine the subject and decide on said appeal, and for that purpose it is hereby authorized and empowered to adjourn from time to time, and may cause all such appeals to be consolidated, or may hear and decide them separately, and may require the said judges of the Appeal Tax Court of Baltimore city, their clerks, surveyors or other agents and servants, or any of them, and all such other persons as the court may deem necessary to

attend, and examine them on oath or affirmation; and may permit and require all such explanations, amendments and additions to be made to and of the proceedings, as the court shall deem requisite; and the person appealing to the Baltimore City Court shall have a trial before the court without the intervention of a jury, and the court sitting without a jury shall ascertain or decide on the proper assessment, and shall not reject or set aside the record of the proceedings of the said judges of the appeal tax court for any defect or omission in either form or substance, but shall amend or supply all such defects and omissions, and increase or reduce the amount of the assessment, and alter, modify and correct the record of proceedings in all or any of its parts, as the said court shall deem just and proper, and shall cause the proceedings and decisions on said appeals to be entered in the book containing the record of the proceedings of the judges of the appeal tax court, certified by the clerk under the seal of the court, and the book to be transmitted to the judges of the Appeal Tax Court of Baltimore city, which shall be final and conclusive in every respect, unless an appeal be taken to the Court of Appeals, and such record book, or a copy of the proceedings therein, or any part of such proceedings, whether in or out of court, certified by the judges of the Appeal Tax Court of Baltimore city, under the seal of said city, shall be evidence in any court in this State, and the judge of the Baltimore City Court shall have full power, in his discretion, to require the costs of any appeal or any part thereof, to be paid by all or every of the appellants, or by the city of Baltimore, as the circumstances of each appeal, in his opinion, shall justify. Such right of appeal shall not be applicable to any assessment made under the general assessment act of 1896, chapter 120.

1896, ch. 322.

**18 B.** If a final judgment shall not be given in time to enable the assessors or other officers to make a new or corrected statement for the use of the proper authorities in levying taxes, and if it shall appear from such judgment that said assessment was illegal, erroneous or unequal, then there shall be audited and allowed to the petitioner in next year's tax levy, and paid to the petitioner the amount, with interest thereon from the date of the

payment, in excess of what the tax should have been, as determined by said judgment or order of court.

### **Rate and Items of State Tax.**

1896, ch. 165. 1898, ch. 220.

**22.** The county commissioners of the several counties of this State and the mayor and city council of Baltimore city are directed to levy the State taxes to be collected according to law, and to be apportioned as follows: A tax of ten and one-half cents on each hundred dollars to aid in support of the public schools, to be distributed according to law among the several counties and the city of Baltimore; and a tax of five and a quarter cents on each hundred dollars to meet the interest and create sinking funds for the redemption of the State debt, to be distributed, after the payment of interest, by the comptroller and treasurer, to the credit of the sinking fund of bonds in proportion to the respective issues and amounts thereof outstanding; and a tax of two cents on each one hundred dollars to defray the cost of supplying books for the use of the children in the public schools in this State, making an aggregate State tax of seventeen and three quarter cents on each hundred dollars; and the comptroller of the treasury shall levy the same State tax on the shares of capital stock of all banks, State and National, and other incorporated institutions and companies of this State, the shares of whose capital stock are liable by law to assessment and taxation.

### **Refunding to State Collectors Overpayments by Them.**

1898, ch. 280.

**48 A.** The comptroller of the treasury and the treasurer of the State shall, on or before the first day of February in the years of the meeting of the General Assembly, make out from their books accurate lists of the names of all such collectors of State taxes, together with their county and district address, who have paid into the treasury of the State more money for State taxes than on a final settlement is properly and legally chargeable to them, and the amount of money so overpaid opposite each name respectively, and such certificates shall be by the presiding officers of the two houses of the General Assembly referred to the committee of finance of the Senate and the committee of ways and means of

the House, and said General Assembly shall provide, either by separate bill or by including the same in a general appropriation bill, for the repayment of said several sums of money to the collectors respectively entitled to the same.

#### **Sales by Collectors.**

1892, ch. 577.

**63 A.** On the final ratification of any sale of real estate made by a tax collector or other person authorized under the provisions of this article to make the same, and after the period allowed for redemption shall have expired, the clerk of the court ratifying and confirming said sale shall forthwith proceed to record and properly index the proceedings relating to said sale in a well-bound book, to be kept for the purpose, for which recording and indexing he shall be entitled to charge the same fees as in the case of the recording and indexing of other sales of real estate now required by law to be recorded, which fees shall be taxed as part of the costs of the proceedings, to be paid out of the proceeds of said sale of real estate, if there shall be so much remaining after the satisfaction of the taxes, charges on said real estate and the costs of sale as provided by this article to be paid; otherwise to be charged against and paid by the purchaser.

#### **Sales by Ministerial Officers.**

1892, ch. 518.

**64.** Whenever a sale of either real or personal property upon which taxes are due and payable shall be made by any ministerial officer, under judicial process or otherwise, all sums due and in arrears for taxes, upon such property, from the party whose property is sold shall be first paid and satisfied; and the officer or person selling shall pay the same to the collector of the county or city, if any, or to the treasurer if there be no collector.

Casualty Ins. Co.'s case, 82 Md. 565. Parlett v. Dugan, 85 Md. 413. State v. Safe Deposit Co., 86 Md. 538.

1896, ch. 407.

**64 A.** Whenever a sale of either real or personal property of a corporation, from which State taxes are due and payable, shall be made by any sheriff, constable, trustee, receiver or other ministerial officer, under judicial process or otherwise, all sums

due and in arrears for State taxes from the corporation whose property is sold shall be first paid and satisfied, after the necessary expenses incident to the sale; and the officer or person selling said property shall pay the same to the person whose duty it is to collect or receive said taxes, under the laws of this State.

State v. Safe Deposit Co., 86 Md. 588.

#### **Payment of Taxes by Corporations.**

1890, ch. 491.

**86 A.** Nothing in section eighty-six relating to savings banks, or savings institutions or corporations shall be construed as granting exemption from taxation to the shares of any bank or any other corporation, or to any other property taxable under the laws of this State, by reason of or on account of its ownership by a savings bank, institution or corporation of this State.

1890, ch. 244.

**88 A.** If any corporation of this State, from which State taxes shall be due and payable on the assessed value of its shares of capital stock, shall fail or neglect to pay the same to the treasurer of the State before the first day of November of the year for which such taxes have been assessed and levied, such corporation shall for such failure and neglect forfeit and pay to the State an additional amount of five per centum as penalty or damages, to be added to the State taxes so due and unpaid, and it shall be the duty of the comptroller to add the said penalty or damages to the said account, and forthwith to make out said account and certify the same under the seal of his office, and to cause suit to be brought for such State taxes and such penalty or damages in the circuit court for the county in which the principal office of said corporation is located, or in the Superior Court of Baltimore city, or the Court of Common Pleas of the city of Baltimore, if the principal office of such corporation be located in said city, and the said suit shall stand for trial at the first term after service of the writ shall have been made on such corporations; and service of the writ aforesaid on any officer of such corporation shall be deemed and taken as a sufficient service on such corporation.

State v. Safe Deposit Co. 86 Md. 588.

1890, ch. 244.

**88 B.** If upon the return of the writ issued against such corporation, the said corporation, being duly summoned as aforesaid, shall fail to appear by attorney or agent upon the first call of the docket, it shall be the duty of the court to cause the personal appearance of the said corporation to be entered, and the cause shall stand for trial or hearing and judgment shall be rendered as if said corporation had appeared by attorney, and if such corporation shall appear by attorney or agent and either party shall desire a trial by jury, it shall be the duty of the court to cause the issues to be framed and a jury to be empanelled for the trial thereof, and if the verdict of the jury shall be for the State, judgment shall be entered without stay for the amount of the State taxes so due as aforesaid, and the five per cent. additional as damages with interest and costs, and a fee of ten dollars shall be allowed the attorney for the State, to be taxed in the plaintiff's costs in said suit, and execution shall be issued on such judgment if the same be not paid into the treasury within twenty days after the rendition thereof.

Ibid.

**88 c.** The certificate of the comptroller under seal, of the amount of such State taxes so due as aforesaid, and of such penalty or damages, shall be *prima facie* evidence to entitle the State to judgment for said penalty or damages in every case in which such State taxes shall be so in arrear and unpaid and for which such suit is so brought as aforesaid.

Ibid.

**88 d.** The comptroller of the treasury may select any attorney in whom he may have confidence, to bring such suit and conduct the same to judgment and execution; but such attorney shall have no power to receive or receipt for the money so due the State, and no acquittance shall be good to discharge any such corporation from such taxes but the receipt of the State treasurer for such amount so due as aforesaid, or the proper officer to whom execution may be issued on such judgment as aforesaid; if any such attorney or person other than the State treasurer or the proper officer to whom execution may issue on such judgment shall presume in any such case to receive and

give receipt for such amount so due the State, such attorney or other person shall be guilty of a misdemeanor, and shall upon conviction, be fined double the amount so received and receipted for, and shall stand committed until such fine and the costs thereon are fully paid.

. 1890, ch. 244.

**88 E.** If after suit brought and judgment rendered as aforesaid, any such corporation shall still continue in arrear and shall fail or neglect to pay its State taxes so due as aforesaid, for the space of two years after the same shall be in arrears, such failure and neglect shall be deemed to amount to and shall constitute a forfeiture of the charter of such corporation and such charter shall be decreed to be so forfeited and annulled *ipso facto*.

#### **Bonus on Capital Stock.**

1894, ch. 114.

**88 F.** Every corporation incorporated after the twenty-first day of March, 1894, under any general or special law of this State, except cemetery companies, companies created for purely benevolent and charitable purposes, railroad companies and building or homestead associations incorporated under article twenty-three of the code of public general laws, title "Corporations," sub-title "Provisions for the Formation of Corporations," section eighteen, (class five) shall pay to the State treasurer for the use of the State a bonus of one eighth of one per centum upon the amount of capital stock which said company is authorized to have, and a like bonus upon the amount of any subsequent increase of capital stock the company is authorized to have; said bonus upon the original capital stock shall be due and payable upon the incorporation of said company, and upon the increase upon the recording of the certificate of such increase or the passage of any special act authorizing such increase; and no company as aforesaid which shall be incorporated after the 21st day of March, 1894 shall have or exercise any corporate powers until said bonus has been paid to the State treasurer. Whenever any company of the character aforesaid, incorporated prior to said date, shall be authorized to increase its capital stock, it shall pay a tax of one-eighth of one per centum to the State treasurer for the use of the State upon the amount of increase said company is author-

\* ) and Subsequent to 1894, ch. 114, Sec. 211.

ized to have; said bonus shall be due and payable upon the recording of the certificate of increase authorized, or upon the passage of any special article authorizing such increase.

*Roland Park Co. v. State*, 80 Md. 450. *State v. Schultz Co.*, 88 Md. 62.

1894, ch. 114.

**88 G.** If any corporation or company from which said bonus shall be due shall fail or neglect to pay the same to the treasurer of the State, for the space of two months after the same has been due and payable as aforesaid, it shall be the duty of the comptroller to make out said account against said corporation, and certify the same under the seal of his office and transmit the same to some attorney in whom he has confidence, and to cause suit to be brought for the recovery of said bonus; but no acquittance shall be good to discharge such corporation from such bonus but the receipt of the treasurer of the State or the proper officer to whom execution or judgment may issue.

*Ibid.*

**88 H.** Suit for the recovery of such bonus shall be brought in the county where the incorporation papers of such corporation are recorded or where the principal office of such company is located, or in the city of Baltimore, if the incorporation papers of such company are there recorded, or the principal office of such company is there located, and the service of the writ of summons upon any officer or agent of such company, or upon any stockholder or incorporator in such company, shall be deemed and taken as sufficient service on such corporation upon the return of the writ issued against such corporation; and such corporation being summoned as aforesaid, the cause shall stand for trial or hearing according to the laws and the respective rules of courts of this State; and if judgment shall be rendered against such corporation, a fee of ten dollars shall be allowed the attorney for the State, to be taxed in the plaintiff's costs.

*Ibid.*

**88 I.** If, after suit brought and judgment rendered as aforesaid, any corporation from which said bonus shall be due as aforesaid shall continue in arrears and shall fail or neglect to pay said bonus to the State treasurer, for the space of two years after

the same shall be so in arrears, such failure and neglect shall be deemed to amount to and shall constitute a forfeiture of the charter of such corporation, and said charter shall be decreed to be so forfeited and annulled *ipso facto*; and any and all corporate powers exercised by any such building or homestead association formed after January first, 1890, and prior to the twenty-first day of March, 1894, are hereby given validity and full force.

1894, ch. 114.

**88 J.** The certificate of the comptroller, under the seal of his office, shall be *prima facie* evidence of the amount of bonus due as aforesaid, to entitle the State to judgment for said bonus and costs of suit.

Ibid

**88 K.** No corporation incorporated prior to the 21st day of March, 1894, shall in any manner be relieved or released from the payment of any bonus due and owing by it or which shall have become due and payable by it prior to such date, under the provisions of chapter five hundred and thirty-six of the acts of the General Assembly of Maryland of the year eighteen hundred and ninety, excepting, nevertheless, such classes of corporations as will be exempt from the operation of the five preceding sections, which said classes of corporations heretofore formed shall be exempt from the operation of said five sections in like manner as such classes of corporations hereafter to be formed.

1892, ch. 567.

**93.** Each member of the appeal tax court shall receive two hundred dollars annually for the services required in the four preceding sections of this article, and the register of the city of Baltimore the sum of three hundred dollars for the services therein required of him; the said sums to be paid by the treasurer on the warrant of the comptroller.

#### **Collateral Inheritance Tax.**

1894, ch. 498.

**115 A.** Whenever an interest in any estate, real, personal or mixed, less than an absolute interest, shall be devised or bequeathed to or for the use and benefit of any person or object,

not exempted from the tax under section 102 of this article, then only such interest so devised or bequeathed shall be liable for said tax; and it shall be the duty of the orphans' court of the county or city in which administration is granted, or any other court assuming jurisdiction over such administration, to determine as soon after administration is granted as possible, on application of such person or object, the value of such interest liable for said tax, by deducting from the whole value of the estate so much thereof as shall be the value of the interest therein of any person who, under said section 102 of this article, is exempt from said tax, and the residue thereof shall be the value of said interest upon which said tax is payable; and said tax so ascertained shall be paid by such person or object within ninety days from such ascertainment, with interest thereon at six per cent. per annum, after the expiration of twelve (12) months from the date of the death of the decedent, under whose will or by whose intestacy said interest is acquired, if said tax has not sooner been paid, or within ninety days from the time that it shall be ascertained that such person or object shall be entitled to any such interest in any estate; but such tax shall bear interest at the rate of 6 per cent. per annum from the expiration of twelve (12) months from said death; but if such person or object shall fail to pay said tax, as above provided, then such person or object shall at the time when he, she or it comes into possession of such estate, pay a tax as provided for in said section 102, on the whole value thereof.

1892, ch. 473.

**120.** In all cases where any estate real, personal or mixed, shall be subject to the collateral inheritance tax imposed by this article, and no administration is taken out on the estate of the person who died seized and possessed thereof within ninety days after the death of said person, the orphans' court of the county in which such administration should be granted shall issue a summons for the parties entitled to administration to show cause wherefore they do not administer; provided however, that when any real estate shall be subject to said tax, and no administration has been taken on the estate of the person who died seized thereof, the orphans' court of the county where said real estate shall be situate, may on the application of anyone interested in

said real estate appoint appraisers to value the same as provided by the preceding section of this article, and the amount of said tax may be paid to the register of wills of the county where the said application shall be made.

1892, ch. 564.

**124.** It shall be the duty of the several clerks and the several registers of wills in this State to account with and pay to the treasurer on the first Monday of March, June, September and December in each and every year all sums of money received by them respectively, for which the clerks shall be allowed a commission of five per centum and the registers of wills shall be allowed a commission of twenty-five per centum upon the amount so paid over.

**Safe Deposit, Trust, Guaranty and Fidelity Companies.**

1890, ch. 544.

**133 A.** The president, cashier or other chief officer of each security, safe deposit, fidelity, guaranty and trust company heretofore or hereafter incorporated under the laws of this State, or incorporated under the laws of any other State and located in and doing business in this State, shall by the fifteenth day of April in each year make a full and detailed report under oath to the State tax commissioner of all securities and investments of every description held by such companies respectively, in trust or otherwise, for any person, corporation or trust estate, to the end that the said investments may be made subject to State, county and municipal taxation, properly applicable to the same provided by law; and the said tax commissioner shall annually by the fifteenth day of May in each year assess said securities or other investments according to their fair value, and levy the State taxes prescribed by law upon the same, and shall also immediately upon the receipt of said annual reports transmit a copy of the same to the county commissioners of the several counties in which the principal office of said companies shall be located, and to the appeal tax court of Baltimore city, for the due assessment and levy of county and municipal taxes upon such investments and other securities.

**Banks and Other Corporations.**

1896, ch. 120.

141. At the time of making the returns of stockholders to the county commissioners and Appeal Tax Court of Baltimore city, as required by law, the president or other proper officer of every bank or other incorporated institution incorporated under the laws of this State or doing business therein, and of every joint stock company doing business in this State shall furnish to the county commissioners of each county in which such bank or other incorporated institution or joint stock company shall own or possess any real property, and to the Appeal Tax Court of Baltimore city, if such bank or other incorporated institution or joint stock company shall own or possess any real property in said city, a true statement of such real property situated or located in such county or city, and such real property shall be valued and assessed by said county commissioners and Appeal Tax Court, respectively, to the said bank or incorporated institution or joint stock company so owning the same; and the said county commissioners and Appeal Tax Court shall give duplicate certificates of such valuation and assessment to such president or other officer, who shall transmit one of such duplicate certificates with his return to the State tax commissioner, and State, county and city taxes shall be levied upon and paid by such bank or other incorporated institution or by such joint stock company on such assessment in the same manner as the same are levied upon and paid by individual owners of real property in such county or city; the respective taxable value of the shares of stock in such bank, corporation and joint stock companies shall be ascertained by the State tax commissioner in the manner following: He shall deduct the assessed value of such real property belonging to the said respective banks, corporations or joint stock companies from the aggregate value of all shares of such respective banks, corporations or joint stock companies and divide the remainder by the number of shares of the capital stock or shares of such respective banks, corporations or joint stock companies and the quotient shall be the taxable value of each of such respective shares for State purposes, and all State taxes thereon shall be paid as provided now or hereafter by law, and when the valuation and assessment of the shares of the capital stock or

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shares of such banks, corporations or joint stock companies shall have been finally determined or made for State purposes, the State tax commissioner shall certify to the county commissioners of each county where any of the stockholders or shareholders may reside, and to the Appeal Tax Court of Baltimore city, if any of said stockholders or shareholders reside in said city, and to the county commissioners of the county in which such bank, corporation or joint stock company is situated, or to the Appeal Tax Court of Baltimore city, if it is situated in said city, the assessed taxable value of such respective shares of stocks, or shares so ascertained as aforesaid. And the said taxable value of such respective shares of stock or shares in such banks, corporations or joint stock companies, owned by residents of this State, and taxable within this State, shall for county and municipal purposes be valued to the owner thereof in the county or city in this State in which such owners shall respectively reside, and the said taxable value of such of said stock or shares as are held by non-residents of this State shall for county and municipal purposes be valued to the owners thereof in the county or city in which said bank, corporation or joint stock company is situated; but all county or municipal taxes assessed upon said respective taxable value of such respective shares of stock or shares shall be collected from such bank, corporation or joint stock company, and when so paid shall or may be charged by such bank, corporation or joint stock company to the account of such stockholders or shareholders, respectively; but it is expressly provided that all railroad companies working their roads by steam power incorporated by, or under the laws of this State or any other State, territory, District of Columbia or foreign country and doing business in this State, shall, respectively, be subject to the annual State tax upon their respective gross receipts within the State, prescribed by section 146, which shall be paid and collected in a manner provided now or hereafter by law, and the real and personal taxable property belonging to such respective railroad companies shall be subject to county and municipal taxation to this State in the respective counties and cities in which such property is located; and where such respective railroad companies are subject to such gross receipts tax for State purposes, their shares of stock and real or personal property shall not be subject to taxa-

tion for State purposes, and when such real and personal property of such respective railroad companies is subject to county and municipal taxation, their respective shares of stock shall not be subject to county and municipal taxation, but the capital stock and property of all other corporations which are subject to a tax upon their gross receipts, other than railroad companies, shall be valued, assessed and taxed for State, county and municipal purposes like the capital stock and property of other corporations under this article.

### **Tax on Gross Receipts of Certain Corporations.**

1896, ch. 120.

**146.** A State tax, as a franchise tax, is hereby levied annually upon the gross receipts of all railroad companies whose roads are worked by steam power incorporated by or under the authority of this State, or any other State, territory, District of Columbia or foreign country and doing business in this State, such State tax being as follows, to-wit: Eight tenths of one per cent. on the first one thousand dollars per mile of gross earnings, or on the total earnings if they are less than one thousand dollars per mile, and one and one-half per cent. on all gross earnings above one thousand dollars per mile and up to two thousand dollars per mile, and when the earnings exceed two thousand dollars per mile two per cent. on all earnings above that sum; a State tax, as a franchise tax, of two per centum is hereby levied annually upon the gross receipts or earnings of every telegraph or cable, express or transportation, telephone, parlor car, sleeping car, safe deposit, trust, guarantee and fidelity company incorporated under any general or special law of this State and doing business therein; a State tax, as a franchise tax, of one per centum is hereby levied annually upon the gross receipts or earnings of all oil pipe line companies and all title insurance companies incorporated under any general or special law of this State and doing business therein; and a State tax, as a franchise tax, of three quarters of one per cent. upon the annual gross receipts or earnings of all electric light companies incorporated under any general or special law of this State and doing business therein; and a State tax, as a franchise tax, of one and one-half per centum upon the annual gross receipts or earnings of all electric construction companies

and gas companies incorporated under any general or special law of this State and doing business therein; and every guano, phosphate or fertilizer company incorporated by or under the laws of any other State, territory, District of Columbia or foreign country and doing business in this State; if any such railroad company has part of its road in this State, and part thereof in another State or States, such company shall return a statement of its gross receipts over its whole line of road, together with a statement of the whole length of its line, and the length of its line in this State, and such company shall pay to the State at the said rates hereinbefore prescribed upon such proportion of its gross earnings as the length of its line in this State bears to the whole length of its line; and similar statements shall be made by each oil pipe line company, and each sleeping car, parlor car, express or transportation, telephone or telegraph cable company, so that the proportion of the said gross earnings of the said companies respectively accruing coming from their business within this State may be accurately ascertained, or said statement may be made in any other mode satisfactory to and required by the State tax commissioner; the said gross receipts taxes shall be due and payable at the treasury on or before the first day of July in each year. All the provisions and requirements of this section shall be in force and apply to all corporations of a like kind to those above enumerated which are doing business in this State, and which are incorporated by or under the laws of any other State, district, territory or foreign country. Every unincorporated association, partnership or individual engaged in any one or more of the above specially enumerated branches of business in this State, except guano, phosphate and fertilizer companies, shall be subject to said gross receipts tax, and shall comply with all the provisions of this article with reference thereto as fully as if such association, partnership or individual was a corporation.

U. S. Electric Light Co. v. State, 79 Md. 69.

1890, ch. 559, sec. 2.

**146-1.** It shall be the duty of each and every railroad company, telegraph company, cable company, express company, transportation company, oil or pipe line company, title-insurance company, electric light company and electric construction com-

pany incorporated under any general or special act of this State and doing business in this State, on or before the fifteenth day of April in each and every year to make a report under oath of its president, treasurer or other proper officer, to the State tax commissioners showing its total receipts or revenues accruing from business done in this State for the year ending on the preceding thirty-first day of January, and it shall be the duty of the State tax commissioner to file such report in his office, and on or before the first day of June next, and on or before the first day of June in each and every year thereafter, to calculate the State tax due from such corporation or company on its gross receipts or revenues aforesaid for such year, and to transmit the amount of such State tax to the comptroller of the treasury, to be collected and received into the State treasury as other State taxes are received into the treasury of this State.

1890, ch. 559, sec. 3.

**146-2.** If any officer of any such corporation or company required to make a report as aforesaid shall in such report or return make a false statement he shall be deemed guilty of perjury, and if any such corporation or company so doing business in this State, shall neglect or refuse to make such report or return to the State tax commissioner within the time specified as aforesaid in any year, it shall be the duty of said tax commissioner to ascertain in any manner he may judge to be most available and certain, and to fix the amount of such gross receipts and revenues of such corporation or company for such year, and to calculate and assess the State tax on the amount of such gross receipts or revenues as so ascertained and fixed, and to transmit the amount of such tax to the comptroller in the same manner as if such corporation or company had made its report or return according to the provisions of the preceding section, and it shall be the duty of such corporation or company to pay to the State treasurer the amount of such State tax on or before the first day of July in each and every year.

Ibid. sec. 4.

**146-3.** It shall be the duty of the comptroller of the treasury to receive such accounts of State taxes so transmitted to him by the State tax commissioner and forthwith to proceed to notify

each such corporation or company of the amount of such State tax by transmitting by mail to the president, treasurer or other proper officer of such corporation or company, an account of such State taxes, enclosed in an envelope or cover, having thereon a proper postage stamp, and carefully directed to such president, treasurer or other officer, and shall note in a book kept for that purpose the date of placing in the mail the envelope or cover containing such account; if no appeal be taken within thirty days from the date of such notification the said ascertainment and assessment shall be final, but any such corporation or company may within thirty days after such notification appeal from such ascertainment and assessment to the comptroller of the treasury and State treasurer, stating in such appeal the reasons and grounds for such appeal, and the said comptroller and treasurer shall as soon as possible consider the same, and if the comptroller and treasurer shall both be of opinion that such ascertainment and assessment of the State tax commissioner is erroneous and ought to be changed, they shall change the same accordingly and the ascertainment and assessment so agreed upon by the comptroller and treasurer shall be final; but if either the comptroller or treasurer shall agree with the tax commissioner as to the correctness of the ascertainment and assessment so made by him then the appeal shall be dismissed and the original ascertainment and assessment shall be and remain as the true ascertainment and assessment for such year.

1890, ch. 559, sec. 5.

**146-4.** The State tax commissioner is hereby authorized and empowered to examine under oath, to be by him administered, any officer or agent of any such corporation or company touching the business in this State of such corporation or company, and the receipts and revenues accruing therefrom, and any such officer or agent refusing to be sworn, or refusing to testify his or her knowledge touching the said subject matter, shall forfeit and pay to the State of Maryland, the sum of five hundred dollars for each such refusal, to be recovered by action at law, in the name of the State, against such officer or agent in any court of this State having jurisdiction; the said State tax commissioner may also examine under oath any other person whom he may be

advised or may believe, has knowledge and information in the premises, and any such person refusing to be sworn or refusing to testify his or her knowledge in the premises, shall forfeit and pay to the State of Maryland, the sum of five dollars for each such refusal, to be recovered by action at law, in the name of the State, against such persons so refusing, before a justice of the peace having jurisdiction; and it shall be the duty of the State's attorney of the county or city where such refusal has occurred on the information of the State tax commissioner, to bring suit for the recovery of such forfeitures as often as they may have occurred.

1890, ch. 559, sec. 6.

**146-5.** If any such corporation or company from whom such taxes shall be due and payable on its gross receipts or revenues as aforesaid, shall fail or neglect to pay the same to the treasurer of the State for the space of one month after the same shall be due and payable as aforesaid, such corporation or company shall for such failure or neglect forfeit and pay to the State of Maryland an additional amount of five per centum as penalty or damages, to be added to the said taxes so due and unpaid, and it shall be the duty of the comptroller to add the same to the said account, and forthwith to make out said account and certify the same under the seal of his office, and to cause suit to be brought for said taxes in the circuit court for the county where the principal office of such corporation or company is located, or in the superior court of the city of Baltimore, the court of common pleas, or the Baltimore city court if such principal office be located in said city, and the said suit shall stand for trial at the first term after the service of the writ shall have been made on such corporation or company, and service of the writ aforesaid on any officer, agent or employee of such corporation or company shall be deemed and taken as sufficient service on such company.

*Ibid.* sec. 7.

**146-6.** If upon the return of the writ issued against such corporation or company, the said corporation or company being duly summoned as aforesaid shall fail to appear by attorney or agent upon the first call of the docket, it shall be the duty of the court to cause the personal appearance of said corporation or company

to be entered, and the cause shall stand for trial or hearing and shall proceed, and judgment shall be rendered as if such corporation or company had appeared by attorney; and if such corporation or company shall appear by attorney or agent and either party shall desire or require a trial by jury, it shall be the duty of the court to cause issues to be framed and a jury to be empanelled for the trial thereof; and if the verdict of the jury shall be for the State, judgment shall be entered without stay for the amount of the taxes so due as aforesaid, and the five per cent. additional as damages with interest and costs, and a fee of fifty dollars shall be allowed the attorney for the State to be taxed in the plaintiff's costs in said suit, and execution shall be issued on such judgment if the same be not paid into the treasury within thirty days after the rendition thereof.

1890, ch. 559, sec. 8.

**146-7.** The certificate of the comptroller under the seal of his office of the amount of tax so due as aforesaid, and of the said penalty or damages shall be *prima facie* evidence to entitle the State to judgment for said amount of State taxes and said penalty or damages in any case in which suit may be brought for the recovery of such State taxes as aforesaid.

1890, ch. 245, secs. 2-8.

**146-8.** The provisions of sections 146-1 to 116-7, both inclusive, shall apply in like manner to every telegraph or cable, express or transportation, and every railroad corporation or company organized under the laws of the United States, or of any other State or territory of the United States or of any foreign country and doing business in this State.

1890, ch. 608.

**146-9.** Every telephone company, electric light or electric construction company, parlor, palace or sleeping car company, oil or pipe line company, guano, phosphate or fertilizer company incorporated by or under the laws of the United States, or of any other State or territory of the United States, or of any foreign country, and wishing to do business in the State of Maryland before proceeding to transact any business in this State, either through an individual agent or agents, or through the

agency of any corporation organized under the laws of this State, or to open any office for the transaction of any business in this State, shall first file in the office of the State tax commissioner a certified copy of the charter, certificate or act of incorporation, under which it claims the power to transact business as a corporation, and shall also file in the office of the secretary of State of Maryland, a certificate of the appointment by such company or corporation, of at least two agents to reside in this State, upon whom legal process issued out of any court of this State, may at any time be served in any action, at the suit of the State of Maryland, or of any county or incorporated city or town of this State, or of any citizen or citizens of this State, or of any corporation organized under the laws of this State, which certificate shall state fully the names of the agents to reside in this State and shall be certified by such foreign corporation, under the seal of such foreign corporation and the signature of its president or other proper officer, and shall when received by the secretary of State be recorded by him in a book to be kept for that purpose, from which record the said secretary of State shall be able to certify the appointment of such agents at any time; at the time of receiving such certificate the secretary of State shall give to such company a receipt for such certificate which receipt shall enable such foreign corporation to commence business in this State.

1890, ch. 606.

**146-10.** Any person or any officer of any such corporation who shall presume to act as agent or employe of any such foreign corporation, or to open an office for the transaction of the business of any such foreign corporation, by employing or using the patent rights, plant or property of such foreign corporation in this State in any manner as renter or bailee, or in any other manner under any contract with such foreign corporation before the provisions contained in the first section of this article have been complied with, shall forfeit and pay to the State of Maryland the sum of one hundred dollars for each and every day he may act as such agent or employe, or may occupy such office for the transaction of such business, before such provisions of the first section of this article shall have been complied with by such foreign corporation, and it shall be the duty of the State's

attorney of the city or county in which such business is transacted, or is proposed to be transacted, to prosecute and recover such penalty, and it shall be the duty of the State tax commissioner to inform the State's attorney of any violation of this article of which he may be advised, and to require him to proceed to recover the penalty for such violations as prescribed in this article.

1890, ch. 608.

**146-11.** Each and every such foreign corporation or company shall on or before the fifteenth day of April next, and on or before the fifteenth day of April in each year hereafter, make a report under the oath of its president, treasurer or other proper officer to the State tax commissioner, setting forth and showing the total gross receipts in this State of such corporation or company for the year ending on the preceding thirty-first day of December, either from business done in this State on its own account or through its individual agent or agents, or from royalty on its patent rights, plant or property employed or hired or rented by any person or persons in this State, or by any corporation organized under the laws of this State, under any contract with such foreign corporation, or from business done in this State by any corporation organized under the laws of this State, and of which such foreign corporation may be a stockholder, and which may be employing in any manner or under any contract with such foreign corporation, and using the patent rights, plant or property of such foreign corporation for profit in this State.

Ibid.

**146-12.** Upon the receipt of such report by the State tax commissioner of the gross receipts in this State of any such foreign corporation or company, the said State tax commissioner shall cause the same to be filed in his office, and shall on or before the first day of June in each year calculate the amount of gross receipt tax to be paid by the said foreign corporation or company at the rate hereinbefore mentioned, to the treasurer of the State, and shall send the said amount due to the State to the comptroller of the treasury to be received as other State taxes are now received into the treasury of this State.

1890, ch. 608.

**146-13.** If any officer of any such company or corporation required by section 146-11 to make a return as aforesaid, shall in such return make a false statement, he shall be deemed guilty of perjury ; if any such corporation shall neglect or refuse to make such return within the time limited as aforesaid, the State tax commissioner shall ascertain by any means which he may find most practicable and available, the amount of such gross receipts and shall fix the amount of the same for the year, and unless altered upon appeal by the State board of appeal as hereinafter provided, such amount so fixed by him shall stand as the basis of taxation of such corporation for such year under this article.

Ibid.

**146-14.** The State tax commissioner is hereby authorized and empowered to examine upon oath any officer, agent or employe of any such foreign corporation in this State, or any officer of any corporation of this State which may employ or use in any manner the patent rights, plant or property of any such foreign corporation for profit in this State, touching the said business and the gross receipts in this State accruing from the same, and any such officer, agent or employe refusing to be sworn, or refusing to testify in the premises, or to give the information asked for by said State tax commissioner, shall forfeit and pay to the State of Maryland the sum of five hundred dollars for every such refusal ; the State tax commissioner is also hereby authorized and empowered to examine upon oath any person whom he may be advised has information and knowledge touching such business and the gross receipts accruing from the same in this State, and any such person refusing to be sworn or refusing to testify in the premises, shall forfeit and pay to the State of Maryland the sum of five dollars for every such refusal.

Ibid.

**146-15.** When the State tax commissioner shall have ascertained the amount of the gross receipts of any such foreign corporation doing business in this State, and the amount of State tax on the same, he shall on or before the first day of June in each year cause an account of the same to be filed or placed in the office of the comptroller of the treasury, and the comptroller

of the treasury shall proceed at once to notify the president, treasurer or other officer or agent of such foreign corporation doing business in this State, of the amount of State tax due from such corporation, by transmitting to such president, treasurer or other proper officer or agent of such foreign corporation, an account of the State taxes due from such foreign corporation, by mail under cover having thereon a proper postage stamp, and plainly directed to such president, treasurer or other officer or agent of such foreign corporation; and shall note in a book the date of placing in the mail the envelope or cover containing such account; if no appeal be taken within thirty days from such transmission, the said assessment shall be final; but any such corporation may, within thirty days from such notification, appeal from such assessment to the comptroller of the treasury and State treasurer, stating in such appeal the reasons and grounds of such appeal, and said comptroller and treasurer shall consider the same, and if after full hearing the said comptroller and treasurer shall both be of opinion that such assessment and ascertainment so made by said State tax commissioner is erroneous and ought to be changed, they shall change the same accordingly, and the assessment so agreed upon by the comptroller and treasurer shall be final; but if either the comptroller or treasurer shall agree with the State tax commissioner, as to the correctness of the assessment and ascertainment so made by him, then such appeal shall be dismissed and the original assessment and ascertainment shall be and remain as the true assessment and ascertainment of such gross receipts and the State tax on the same for said year.

1890, ch. 608.

**146-16.** If any such corporation or company shall neglect or refuse to pay to the State treasurer the tax imposed by this article for the space of sixty days after the amount of such tax has been so finally ascertained and determined and has been so transmitted by mail to its president or other officer as directed in this article, such corporation shall for such offense forfeit and pay to the State of Maryland an additional amount of ten per centum as penalty or damages to be added to the said taxes so due and unpaid, and it shall be the duty of the comptroller to add the same to the said account, and forthwith to make out said account

and certify the same under the seal of his office, and to cause suit to be brought for said tax in the circuit court for the county where the principal office of the said corporation in this State is located, or in the Superior Court of Baltimore city, if such principal office be located in said city, and the said suit shall stand for trial at the first term after service of the writ shall have been made on said corporation or company, and service of the writ aforesaid on any officer, agent or employe of such corporation, shall be deemed and taken as a sufficient service on such corporation.

1890, ch. 608.

**146-17.** If upon the return of the writ issued against such corporation, such corporation, being duly summoned as aforesaid, shall fail to appear by attorney or agent upon the call of the docket, it shall be the duty of the court to cause the personal appearance of said corporation to be entered, and the cause shall stand for trial or hearing, and judgment shall be rendered as if the said corporation had appeared by attorney; and if such corporation shall appear by attorney or agent, and either party shall desire a trial by jury, it shall be the duty of the court to cause issues to be framed, and a jury to be empanelled for the trial thereof; and if the verdict of the jury shall be for the State, judgment shall be entered without stay, for the amount of tax so due as aforesaid, and ten per cent. additional as damages, with interest and costs, and a fee of fifty dollars shall be allowed the attorney for the State, to be taxed in the plaintiff's costs in said suit, and execution shall be issued on said judgment, if the same be not paid into the treasury within twenty days after the rendition thereof.

Ibid

**146-18.** The certificate of the comptroller, under the seal of his office, of the amount of tax so due and damages as aforesaid, shall be *prima facie* evidence to entitle the State to judgment for said amount, and said penalty or damages as charged.

#### **Tax on Mortgages.**

1896, ch. 120. 1898, ch. 313.

**146 A.** All mortgagees or assignees holding mortgages of *h. 2 f* record in this State, shall annually pay a tax of eight per cen-

tum upon the gross amount of interest covenanted to be paid each year to said mortgagee or his assigns, by the mortgagor, to be collected by the proper authorities as other taxes for county purposes in the several counties, and as municipal taxes are collected in Baltimore city, and for State taxes as hereinafter mentioned; said taxes, when so collected, shall be applied as follows: One-fourth of the amount so received in each county of the State and in Baltimore city shall, on or before the thirty-first day of December, in each and every year, be paid to the comptroller of the State treasury, by the several county collectors or treasurers, and the collector of taxes in Baltimore city, to be paid into the State treasury; the remaining three-fourths of the amount so received shall, in each county in this State, be by said collectors of taxes, paid to the order of the county commissioners of the several counties, to be by said commissioners applied to county purposes; and in Baltimore city shall be paid to the order of the mayor and city council, to be applied as may be deemed proper, and the tax hereby levied shall, in each year, be due and payable in the county or Baltimore city, where the mortgage is recorded; provided, that if any mortgage is recorded in two or more counties or in Baltimore city, and in any county or counties of the State, the tax hereby levied shall each year be paid in the county or Baltimore city, where the greater portion of the property covered by the mortgage is located.

Faust v. Building Association, 84 Md. 192.

1898, ch. 313.

**146 B.** For the purpose of collecting said tax, the year shall begin on the first day of September, and end on the thirty-first day of August in each succeeding year; and whenever any mortgage has been recorded only a part of a year, the tax shall be paid only for that part of the year for which it has been of record; and all mortgagees or assignees holding mortgages of record in this State, who shall pay their State taxes thereon on or before the first day of October of the year in which said taxes were due and demandable, shall be entitled to a deduction of five per centum on the amount of said taxes; all who shall pay the same on or before the first day of November of the said year, shall be entitled to a deduction of four per centum, and all who

shall pay the same on or before the first day of December of the said year, shall be entitled to a deduction of three per centum ; and at the time of receiving said taxes the proper officers shall make the deductions aforesaid, and note the same upon the receipts given to the mortgagees or assignees holding mortgages of record so paying ; and all taxes remaining unpaid on the first day of January of the year following, shall be chargeable with interest thereon from that date until paid ; and every collector shall, on all sums paid by him to the State treasurer, on or before the fifteenth day of October of the year in which said taxes were due and demandable, be allowed a deduction of five per centum ; on all sums paid by him on or before the fifteenth day of November of the said year, a deduction of four per centum ; and on all sums paid by him on or before the fifteenth day of December of the said year, a deduction of three per centum, which deduction shall in each case be noted by the treasurer upon the receipt given to the said collector, which deductions shall be made from the gross amount of the State taxes placed for collection in the hands of said collector, and shall not be in addition to those made in favor of the taxpayers.

1898, ch. 275.

**146 c.** All covenants contained in any mortgage executed after the thirtieth day of March, in the year 1896, for the payment by the mortgagor of any or all taxes, assessments, public dues or charges, levied or to be levied by law on the mortgage debt created or secured by such mortgage, or on the interest covenanted to be paid, are hereby declared null and void ; but whenever any mortgage executed prior to said date contains any such covenant the said mortgage shall be exempt from the provisions of section 146 A of this article.

Ibid.

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.26 **146 d.** Any person lending money on mortgage upon property in this State, their agent or attorney, in addition to the usual oath or affirmation as to the *bona fides* of the consideration shall take an oath or affirmation, to be endorsed upon the mortgage and to follow immediately after the first mentioned oath or affirmation, to the effect that he has not required the mortgagor, his agent or attorney, or any person for the said mortgagor, to pay

the tax levied upon the interest warranted to be paid in advance, or will he require the same to be paid by the mortgagor or any person for him during the existence of said mortgage; and upon the assignment of any mortgage in this State, which mortgage was executed after the thirtieth day of March, in the year 1896, except for the purpose of foreclosure, the party to whom it is assigned; his agent or attorney, shall take the oath or affirmation in this section prescribed, to be recorded with said assignment, and no such mortgage shall be valid except as between the parties thereto, unless the said oath or affirmation is endorsed thereon; provided, that for the assignment of mortgages executed prior to said last-mentioned date and containing any covenant or covenants of the character prescribed in 146 c of this article, no oath or affirmation shall be required.

1898, ch. 501.

**146 D-1.** Any person or corporation lending money on mortgage upon property in this State, their agent or attorney, in addition to the usual oath, (or solemn affirmation, if such person, agent or attorney be conscientiously scrupulous of taking an oath,) as to the *bona fides* of the consideration, shall take an oath, or make solemn affirmation, to be endorsed upon the mortgage and to follow immediately after the aforementioned oath or affirmation, as follows: "And also make oath on the Holy Evangel of Almighty God (or does solemnly and truly declare and affirm) that he has not required the mortgagor, his agent or attorney, or any person for the said mortgagor, to pay the tax levied upon the interest covenanted to be paid, in advance, nor will he require the same to be paid by the mortgagor, or any person for him during the existence of this mortgage," and upon the assignment of any mortgage in this State, except for the purpose of foreclosure, the party to whom it is assigned shall take the oath in this section prescribed, to be recorded with said assignment, and no mortgage shall be valid except as between the parties thereto, unless the said oath or affirmation is endorsed thereon.

Rehearsal  
1900  
ch. 81,

1896, ch. 120.

**146 E.** It shall be the duty of the clerks of the circuit courts for the several counties of this State, and the clerk of the

Superior Court of Baltimore city to render to the boards of county commissioners of the several counties, and the Appeal Tax Court of Baltimore city, respectively, on the first day of each month, a complete list of all mortgages recorded, released and assigned in their respective offices during the last month, which said list shall give the names of the mortgagee and mortgagor, the location of the property covered by the mortgage, the date of its execution, the time of expiration, the amount of the mortgage and the rate of interest covenanted to be paid, under a penalty of three hundred dollars for their neglect to do so, to be recovered as other fines are now recovered, and said clerk shall be entitled to compensation for such work, to be paid by the county commissioners in the several counties, and the mayor and city council of Baltimore city, as now allowed by law for transcribing records. Should any mortgagee neglect or refuse to pay said tax when due, the collector of the same is hereby authorized to seize and sell all his interest in said mortgage in the same manner that other property is now sold for taxes in the several counties of this State and in Baltimore city.

1898, ch. 313.

**146 E-1.** The clerk of the Appeal Tax Court of Baltimore city and the clerk to the county commissioners of each county in this State shall annually transmit to the comptroller of the treasury within thirty days after the close of each collection year, to wit, on or before the thirtieth day of September of each and every year, a return of the total amount of such tax belonging to the State, viz: one-fourth of eight per centum upon the gross amount of interest covenanted to be paid upon said mortgages in each county and in the city of Baltimore, showing the amount thereof, and the amount placed in the hands of each collector of such county or city; and for neglecting or refusing to perform this duty, the clerk or clerks so neglecting or refusing shall be liable to prosecution, and on conviction thereof shall be fined five hundred dollars for each and every offense.

1896, ch. 120.

**146 F.** Any mortgagor paying the tax hereby required to be paid by the mortgagee, shall at any time upon satisfactory proof of the same in any Court of equity of this State, be entitled to

have the amount so paid, with interest at the rate of six per centum per annum deducted from the mortgage debt.\*

1896, ch. 120.

**171.** It shall be the duty of the State tax commissioner to prepare and have printed at the expense of the State, a full and complete form or schedule of all kinds of real and personal property, which are now or may at any time be subject to taxation under the laws of this State, to which he may add such interrogatories as he may deem proper for the purpose of securing a full disclosure of all such property, and he may from time to time change the forms of schedule or interrogatories or make such additions thereto as he may deem proper, and the State tax commissioner shall cause the said forms of schedules and interrogatories to be delivered to the boards of control and review to carry out the provisions of this article.

**Mode and Measure of Assessment and Taxation.**

1896, ch. 120.

**173.** It shall be the duty of the said assessors appointed under the provisions of this article, immediately upon entering upon the performance of their duties to deliver or cause to be delivered as far as practicable or to send by mail to each and every person in their assessment districts who shall own any real or personal property, subject to taxation under the laws of this State, the forms of schedules and interrogatories for real and personal property provided in section 171, together with the notice to said person or persons requiring him or her to have filled out and ready to file with said assessor within twenty days after the date of receipt or the mailing of said schedules and interrogatories a complete return upon said schedule of all the real and personal property owned by said person or persons, and subject to taxation under the provisions of this article. Every taxable person making such schedule shall specify as far as may be practicable the name or names of the tracts or parcels of land so described, and the number of acres or quantity of lands in each, and the value per acre, if in the counties; and such other

\*The sections of the general assessment act of 1896, ch. 120, which have been completely executed, are omitted.

definite description as shall make the same easily identified, referring if possible to title papers, equity proceedings, and other data connected therewith; he shall separately value the improvements upon the respective tracts or parcels of real estate in the said several counties, so by him prepared; in describing any lot or parcel of grounds in the city of Baltimore or in any city in any county in this State, the said person shall specify as nearly as possible the precise location of each lot or parcel of land, giving as nearly as practicable the number of front feet in each lot or parcel of ground, and the depth of each lot or parcel of ground, and the rate per front foot at which the same is valued, and he shall value separately the improvements upon each lot or parcel of ground in said city. When any building so valued is located upon any street and designated by a number, such number and the name of such street shall always be given. In describing the personal property said person shall deliver to the said assessors a true list of all the personal property owned by such person, including personal property in which said person has only an equitable title if the person who holds the legal title is a non-resident. It shall be the duty of every person so served with said schedules to have them ready for the said assessor properly filled out and ready to be sworn to before him under the form of oath in section 174 of this article, within twenty days after they shall have been mailed to or received by him. Every partnership concern, corporation, trustee, administrator, guardian, committee of a lunatic, and every agent of any person not residing or being at that time in the said county or city, and every person having any manner of title, either legal or equitable, (if the legal title to said property be in a non-resident) to, or having possession of, holding or claiming in any manner, anything required to be returned in said schedule shall be within the provisions of this section and comply with the same. Whenever property is owned, held or possessed by more than one person as administrator, executor, trustee, or in any other representative capacity, any one of them may make the oath required by this section. Every schedule of copartnership property shall be sworn to by at least one of the members of the partnership. The president or other chief officer of a body corporate or joint stock company shall make the oath. It shall be the

duty of every person residing in this State, who owns personal property liable to taxation under the laws of this State, if the assessor shall fail to call upon said person and furnish said schedule as hereinbefore provided in this section, to appear before the assessor in his assessment district and fill up said schedule and swear to the same as hereinbefore provided for; and if such person fails to report, as aforesaid to said assessor, the said assessor shall upon his own knowledge, and upon the best information he can obtain, value and assess the property of such owner or person to the utmost sum he may believe the same to be worth in cash; and the owner of said property not so returned, he, she, or it as a penalty may be taxed on such property as he, she, or it has failed to report to said assessor, double the amount of taxes that he, she or it would have been liable for under existing law, for the first year of such taxes. The said assessor shall have the right and it shall be his duty to propound any question to said persons which said assessor may deem necessary to enable him to ascertain the location, kind and character of the personal property owned by said persons, after having administered an oath or affirmation to such person, that he or she will true answers make to such questions as may be asked said person by said assessors concerning said property and its location.

1896, ch. 120.

**174.** Every taxable person or persons referred to in section 173 shall at the time of returning said lists to said assessors, make the following affidavit before him or them: "State of Maryland, county or city, ss: I, ———, being duly sworn, say to the best of my knowledge, information and belief that the foregoing schedule contains a true, full and complete list of all real and personal property held or belonging to me, (or to me as a partner or in my possession as trustee, administrator, guardian, committee of a lunatic, or agent of any person not residing or being in this county or city or belonging to any corporation or belonging to me by any manner of title, either legal or equitable, the legal title to which said property is in a non-resident) and that all such property has been fully and fairly described and its true condition represented; that I have in no case sought to mislead said assessor as to quantity or quality of said property; that I have

not directly or indirectly converted or exchanged any of my property temporarily (nor has the said corporation done so,) for the purpose of evading the assessment thereof for taxation, into non-taxable property or securities of any kind."

Subscribed and sworn to this ——— day of ———, 189 .

1896, ch. 120.

**175.** The affidavit required to be made by section 174 shall be made before the proper assessor or other person authorized to administer oaths, and shall set forth that the return is full, true and correct to the best of his or her knowledge and belief, and any person or officer who shall wilfully and corruptly make a false and fraudulent return, under the provisions of said section 174, shall be deemed guilty of wilful and corrupt perjury, and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars, or imprisonment not exceeding two years, and thereupon be forever disqualified from being a witness in any matter or controversy.

Ibid.

**176.** The several assessors are hereby authorized to administer the oath or affirmation to any person or officer making the return prescribed by the preceding sections, for the taking of which oath or affirmation, no charge shall be made by the assessor; any assessor who shall accept such return from any person or officer required to make the same without requiring the oath or affirmation of such person or officer as herein provided, or who shall make any charge for administering such oath or affirmation shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be sentenced to a fine not exceeding five hundred dollars.

Ibid.

**177.** If any assessor or any taxable person or members of any copartnership, unincorporated association or company, officer or stockholder or member of any limited partnership, joint stock association or corporation shall agree or enter into any agreement or undertaking, that upon the failure of such taxable person, copartnership, unincorporated association, company, limited partnership, joint stock association or corporation to make the return required by section 173 to be made, such assessor shall return a

less amount of property made taxable by this article, than should have been returned by such taxable person, copartnership, unincorporated association, company, limited partnership, joint stock association or corporation, the persons entering into such agreement, arrangement or undertaking shall be guilty of conspiracy, and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars, and undergo an imprisonment not exceeding three years, in the discretion of the court.

1896, ch. 120.

**178.** It shall be the duty of the said assessors upon the return to them of the said schedules of property to carefully examine the same and the various items thereof as listed by the owners of said property, and said assessors shall determine and settle the value of each item of property returned in said schedule after examination of said schedule and also an examination under oath of the party making the return of any other person; and said assessors shall personally inspect all real estate in their respective districts. In determining and settling such valuation the assessors shall value each item of the same at its full cash value without looking to a forced sale. If the said assessors shall value any property returned to them in said schedules at a greater valuation than the value of the same as estimated by the owner or holder thereof, then it shall be the duty of said assessors to notify the person or persons whose assessment has been so increased of the property upon which the increased valuation has been made and the amount of such increase. This notice shall be served personally upon the person in whose name said property has been listed or by leaving the same at the place of residence of said person or upon the premises the assessment of which has been so increased. Unless said taxable person shall, within twenty days after the receipt of said notice of increased valuation and assessment of said property, file a notice of appeal in writing with the board of county commissioners acting as a board of control and review of the county in which the assessment has been made, or with the board of control and review of Baltimore city, if the assessment has been made in said city, said valuation and assessment shall be final and binding upon said personal property except in so far as the same may

be changed by the board of county commissioners of the respective counties of this State or the Appeal Tax Court of Baltimore city, as hereinafter provided for. All property permanently located in any county in this State or in the city of Baltimore, shall be valued and assessed to the owner thereof in the assessment district in which the said property is located. All shares of stock in any national bank, corporation, association or company incorporated under the laws of this State, and belonging to any non-resident owner, and all other personal property located in this State belonging to any non-resident owner shall be valued and assessed to the owner thereof, in the assessment district in which said bank, corporation, association or company may have its principal place of business in this State, or in which said personal property may be so located; or personal property belonging to a resident of this State shall be valued and assessed to the owner thereof in the assessment district in which said owner may reside, except goods and chattels permanently located in any city or county of this State, which shall be valued and assessed to the owner thereof in the city or county in which they are so located. All rolling stock of all railroads worked by steam, employed in operating and running over lines of railroad situated, being and lying in this State, for the purpose of county and city taxation shall be valued, assessed and taxed to the said railroads owning, hiring, using and leasing, the same as other personal property is valued, assessed and taxed under the provisions of this article; and for the purpose of such valuation, assessment and taxation, the situs of said rolling stock shall be taken and considered to be in the assessment district in which is located the principal places of business of such railroad companies located in this State, unless it shall appear that the situs of such rolling stock is in some other city or county of this State than that in which the principal place of business of said railroad is located in this State; provided, that whenever the said railroads owning, hiring or leasing said rolling stock shall extend beyond the limits of this State into any other State or States the assessors or other tax officials whose duty it shall be to assess said rolling stock under the provisions of this section, shall observe the following rule in ascertaining the assessable value of said rolling stock; that is to say the value of said rolling stock for the purposes of taxation shall bear the

same proportion to the total value of said rolling stock which the mileage of said railroad in Maryland bears to its total mileage; this proviso is not to apply to such rolling stock as is permanently located within the limits of this State. In valuing the stock or shares in any bank, company, association, or corporation, the number of shares of such stock in such bank, company, association or corporation owned by the persons to whom the same are valued shall be stated together with the respective taxable value of each, as ascertained by the State tax commissioner. In valuing bonds, securities and other investments the nature of such bonds, securities and other investments shall be briefly stated with the respective values of each. In valuing and assessing any property in this State not exempted from taxation under the laws thereof which is not specifically mentioned in this article the method pursued shall be that prescribed by the laws of this State which are applicable to such property and are in force where such valuation is made.

1896, ch. 120.

**179.** Whenever the said assessors prior to the filing of their returns as hereinafter provided, shall discover or receive credible information or have reason to believe that any real or personal property has been omitted in the assessment of property in the respective assessment districts, and has not been scheduled and assessed, or that any person, company or corporation has from any cause omitted to list the whole or any part of his, her or their property, or that any real estate by reason of defective description thereof, has not been properly assessed they shall proceed forthwith to correct their lists and add such property to the assessment so that said property and the owner thereof may be charged with the proper valuation and assessment of property.

Ibid.

**180.** If any person or corporation has failed to make the schedule and return provided for in section 173 within the period of twenty days after the delivery or mailing of said schedule to said person or corporation, it shall be the duty of the assessor who has furnished said schedule to proceed at once to assess and value all of the property of every kind belonging to said person or corporation so failing, and which is taxable in said assessment

district under the terms of this article and to value and assess the said property at its full cash value and from said assessment when so made by said assessor, there shall be no right of appeal to such persons or corporation failing to make the schedule and return as required by the said section one hundred and seventy-three of this article. For the purpose of making said assessment and valuations, said assessors shall have the power to examine under oath the person or officer of the corporation failing to make said returns and any other person or persons, who he may have reason to believe, possesses any information concerning said property.

1896, ch. 120.

**184.** The owner of property, or owner to whom property has been valued and who shall claim that the property so to him, her or it valued, is not owned by him, her or it, or is exempt from valuation and assessment, or any person acting in behalf of such owner, or making such claim, on behalf of such owner, may file a petition in the circuit court for that county in which the said property has been so valued, or in the Baltimore City Court, if the said property has been valued in Baltimore city, setting forth the facts of the said case and the ground upon which said exemption is claimed, or denying said ownership. The said petition shall be filed within thirty days after the return is made by the board of control and review of the county or of the city of Baltimore, in which said property shall have been valued, to the county commissioners of such county or to the Appeal Tax Court of Baltimore city, as the case may be, or within thirty days after the said property has been so valued to the said owner and notice given to him of such valuation. To said petition the county commissioners of the counties or the Appeal Tax Court of Baltimore city, according to the locality in which said valuation was made, shall be made defendants and the attorney of the county commissioners of the said county or of the Appeal Tax Court of Baltimore city, as the case may require, shall appear for the said defendants. The said defendants shall answer said petition within ten days after they have received actual notice thereof. It shall be the duty of the said circuit court, or of the Baltimore City Court, to hear the said case upon petition and answer, and upon such affidavits, if any, as the court may authorize to be

taken by either party, on such notice as the court may prescribe at its then session, or at the earliest practicable day thereafter; and the said court shall determine whether the said property so valued to the said owner, is or is not subject to such valuation and assessment or ought not to be valued to said alleged owner. If the said court shall determine that the said property is not subject to such valuation and assessment, or ought not to be so valued, to said alleged owner, it shall by its order direct the said county commissioners or the said Appeal Tax Court as the case may be, to strike the said property from the list of property valued to such alleged owner, but if it shall determine that the said property is subject to such valuation and assessment or valuation to such alleged owner, it shall so determine by its order.

1896, ch. 120.

**185.** If it appears by the returns made as aforesaid to the county commissioners or the Appeal Tax Court of Baltimore city, that any property not exempted from valuation and assessment, has not been valued to any owner thereof, in the county or city in which the same ought to be so valued, it shall be the duty of the State tax commissioner to direct the said property to be so valued to such owner by the county commissioners of the proper county, or by the Appeal Tax Court of Baltimore city, if after giving reasonable notice of said valuation to said owner, and a hearing (if required) it shall appear that such property ought to be valued to such owner. If the county commissioners of any county or the Appeal Tax Court of Baltimore city shall refuse to give such notice of hearing or to value such property to such owner after giving an opportunity for such hearing, though the same is taxable to the owner thereof, it shall be the duty of the State tax commissioner to file a petition in the name of the State of Maryland against the county commissioners or the Appeal Tax Court, as the case may be, so refusing, and against such owner, in the circuit court of that county in which such valuation ought to have been made or in the Baltimore City Court if said valuation ought to have been made in said city. And the attorney for the county commissioners for the proper county and for the Appeal Tax Court, respectively, shall appear for the said county commissioners and the Appeal Tax Court, respectively,

and said owner or owners, shall respectively answer the said petition in ten days after he or they shall respectively have actual notice thereof. It shall be the duty of said circuit court or Baltimore City Court, to hear the said case upon petition and answer, and upon such affidavits, if any, as the court may authorize to be taken by any party to said proceedings, on such notice as the court may prescribe at its then session, or at the earliest practicable day thereafter, and the said court shall determine whether the said property ought or ought not to be valued to the said owner. If the said court shall determine that the said property ought not to be valued to the said owner, it shall so direct by its order; but if it shall determine that the said property is subject to valuation and assessment, it shall direct the same to be valued to the owner thereof in the assessment district in which the same ought to be so valued.

1896, ch. 120.

**186.** Any one of the parties to the proceedings mentioned in the two preceding sections, may appeal from the order of the court therein to the Court of Appeals, and on such appeal, the clerk of the court shall forthwith transmit the original papers, including the order of the court, to the Court of Appeals, and the said court shall, if then in session, immediately hear and determine the said case or shall hear and determine the same upon its reassembling.

Ibid.

**187.** It shall be the duty of the State tax commissioner to supervise strictly the conduct and proceeding of the assessors, members of the several boards of county commissioners acting as boards of control and review, and said boards of control and review of Baltimore city and clerks, and to report to the Governor all instances of neglect, or dereliction of duty on the part of any such officers, which may come to his notice or be brought to his attention, and to use his best efforts to promote the prompt and effective execution of the provisions of this article. All returns made by any assessors hereunder, and the entries made in the respective books hereunder required to be entered and recorded, shall be legibly written with ink, and not with pencil.

1896, ch. 120.

**188.** If any assessor, member of the board of county commissioners, acting as a board of control and review or clerk appointed under this article, shall wilfully neglect to perform the duties of his office, or shall corruptly receive any fee, reward, emolument or advantage whatsoever, to him given or extended, to influence his conduct or the performance of his duty as assessor, member of said boards of county commissioners, acting as boards of control and review, or clerk, he shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be subject to a fine of not less than five hundred dollars, and not more than one thousand dollars, and may also in the discretion of the court, be imprisoned for a period of time not exceeding six months. Any person who shall unlawfully and fraudulently alter any entry required by this article to be made, with the intent to affect the assessment of property hereunder, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by imprisonment in the county or city jail for not less than six months nor more than one year, or be fined not less than five hundred dollars, nor more than one thousand dollars, or be both fined and imprisoned as aforesaid, in the discretion of the court. Any person or officer of a corporation who shall refuse to answer any question or questions when asked by any assessor, or shall refuse to be sworn or affirmed when required by any assessor, in the discharge of his official duty, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not exceeding five hundred dollars nor less than fifty dollars, in the discretion of the court. Any person or officer of a corporation who shall wilfully refuse to return the schedule required to be made in section 173, or who shall wilfully refuse to make the affidavit to said schedule as required to be made in section 174 shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding two thousand dollars nor less than two hundred dollars, in the discretion of the court; and the jury, in the trial of said case, shall ascertain from the evidence which may be offered for their consideration the amount, if any, of the property owned by the defendant and not taxed, and the jury shall, in addition to the fines provided in the preceding part of this

section, fine and assess against the defendant, as a part of the penalty for said misdemeanor, double the amount of taxes that said defendant would have been required to pay on said property if the same had been valued and assessed under existing law.

**1896, ch. 120.**

**191.** No person shall be eligible to appointment for the position of assessor, or clerk, who at the time of entering upon the performance of the duties prescribed in this article, shall hold or perform the duties of any federal, State, county or municipal office of profit or trust within this State, except a director of any national bank, or in the case of the county commissioners of the several counties, who as hereinbefore provided, are constituted the boards of control and review for their respective counties.

**Ibid.** 1898, ch. 275.

1900 The Appeal Tax Court of Baltimore city are hereby  
 authorized and empowered and directed to biennially revise the  
 assessments and valuations in the city of Baltimore. Said Appeal  
 Tax Court shall have the power to value and assess all personal  
 property in the city of Baltimore, and to revise all valuations and  
 assessments of real property, in the city of Baltimore, and to  
 lower and increase said assessments. Whenever said Appeal  
 Tax Court of Baltimore city shall have reason to believe that any  
 real or personal property in said city has been omitted, they shall  
 at once proceed to assess and value the same to its proper owner  
 or owners upon giving at least five days' notice to the reputed  
 owner or owners of said property, or the agent or attorney or  
 person in possession of the same. Said Appeal Tax Court of  
 Baltimore city shall also require a biennial listing to be made by  
 all persons within said city of all personal property to which  
 said persons may be in any manner entitled, as provided for in  
 section 173, and all the duties and requirements of sections 173  
 and 174, so far as the same may apply to the preparation of the  
 schedules by the owners of personal property in this State shall  
 be in force and applied in the year eighteen hundred and ninety-  
 eight, and biennially thereafter. The Mayor and City Council of  
 Baltimore shall provide the necessary assessors and clerical force  
 which may be required in the performance of said biennial list-  
 ing of personal property. The State tax commissioner shall pro-

vide the Appeal Tax Court of Baltimore city with the necessary books, blanks and schedules for said listing, and there is hereby appropriated the sum of three thousand dollars, or so much thereof as is necessary to pay for said books, blanks and schedules for the year eighteen hundred and ninety-eight and the same amount or so much thereof as may be necessary is hereby appropriated biennially every second year thereafter. All the penalties and requirements prescribed in this article, both as to the owners of property, assessors and clerks for the year eighteen hundred and ninety-six shall be in force and apply to the assessment and valuation of personal property in Baltimore city provided for in this section for the year eighteen hundred and ninety-eight and biennially thereafter. The schedules provided for in this article shall be distributed in the year eighteen hundred and ninety-eight and every second year thereafter in the city of Baltimore by the police force of said city.

1898, ch. 275.

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**192 A.** The several boards of county commissioners shall, in addition to the powers now vested in them by law, have the power to value and assess all personal property, and to revise all valuations and assessments of real property in their respective counties, and to lower or increase said assessments of real or personal property and take steps for the discovery of all unassessed property of every kind. Whenever they shall purpose to alter or change any assessment or make any new assessment, they shall, before said assessment is made, give five days' notice thereof in writing to the owner of the property to be assessed; and if such owner be not found within the limits of their county, then to the person in possession of the property to be assessed or in whose custody the same may be, or if it be land, and no one be in the apparent occupancy thereof, then by a notice posted on said land. Said respective boards of county commissioners shall have full power to appoint such agents as may in their discretion be necessary to enable them to carry into effect their powers under this article, but the listing of personal property provided for in sections 173 and 174 of this article shall not take place until the year nineteen hundred and two, when the same shall be taken and made under the orders and direction of the said respective boards of assessors as well as the additional powers

conferred by this article, which are hereby intended to be made and are made full and ample for that purpose, and said listing shall also be made every six years thereafter. All the penalties and requirements prescribed in this article, both as to owners of property and assessors or clerks appointed by the respective boards of county commissioners and the said board themselves, whether sitting to hear appeals or otherwise, shall be in force and apply to all assessments and valuations made by said assessors or county commissioners at any time under this article, and particularly to the listing of personal property in the year nineteen hundred and two, and every six years thereafter, so far as the same may be applicable and practicable. There shall always be an appeal to the board of county commissioners from the acts of all assessors or agents appointed by them hereunder, or others authorized to act as assessors under the laws of this State.

*Forb. v. 16 Comp 92 Ind, 630.*

*192 B. & C. Added 1902 Ch. 402.*  
*192 B. & C. 1912 Ch. 633. 1896, ch. 120. 1896, ch. 143.*

**194.** All certificates of indebtedness issued by any individual or firm shall be subject to valuation and assessment to the owners thereof in the county or city in which such owners may respectively reside; and they shall be assessed and valued according to the rate of interest therein stipulated to be paid; that is to say, such of said certificates of indebtedness as bear an interest of six per centum, shall be assessed at fifty per centum of their face value; such as bear an interest of five per centum, shall be assessed at forty-one and two-thirds per centum of their face value; such as bear an interest of four and a half per centum at thirty-seven and one-half per centum of their face value; such as bear an interest of four per centum, at thirty-three and one-third per centum of their face value; such as bear an interest of three and one-half per centum, at twenty-nine and one-sixth per centum of their face value; such as bear an interest of three per centum, at twenty-five per centum of their face value, and such as bear an interest at a rate not named in this section shall be assessed and valued at a correspondingly reduced valuation, if the rate of interest be less than six per centum, and at a correspondingly increased valuation, if the rate of interest be above six per centum and such upon which no interest shall be actually paid, shall not be valued and assessed at all.

1896, ch. 120.

**195.** If any person shall, with a view to evade the payment of taxes, fail or refuse to give in to the assessor any bonds, notes, claims or other evidences of debt which are subject to assessment and taxation under this article, the same shall not be recoverable by action at law or suit in equity before any of the courts of this State, until they have been listed and the tax paid thereon, with an addition of fifty per centum per annum from the time the tax accrued, and the failure to give in said bonds, notes, claims or other evidences of debt shall be taken as *prima facie* evidence of the intention to so evade payment of taxes.

Ibid.

**196.** This article shall not in any manner affect the gross receipts taxes levied on corporations for the year eighteen hundred and ninety-six or any preceding year or the valuation of property made or existing for the purpose of State, county or municipal taxation in the year eighteen hundred and ninety-six, or the collection of taxes levied thereon in said year, or in any preceding year; and such valuation and assessment for said year eighteen hundred and ninety-six may be increased or diminished and omitted property be valued and assessed to the owner thereof during such year for such purposes under the provisions of the general laws of this State in force on the first day of January, eighteen hundred and ninety-six; provided, however, that nothing in this article contained shall be construed to repeal, alter or affect the provisions of section four of article four of the public local laws of Baltimore city, in so far as the same relate to the mode and measure of assessing and taxing the real and personal property within the present limits of the twenty-first and twenty-second wards of Baltimore city, for city purposes; and provided further, however, that nothing in this article contained shall be held to discharge or release, impair or affect any irrepealable contract or obligation of any kind whatsoever, existing on the 30th day of March, 1896, or to affect or to apply to any pending civil suit, action or proceeding or to any pending prosecution for a crime or misdemeanor, or to prevent the prosecution and punishment hereafter of any offense already committed, or that may be hereafter committed, against the provisions, or any

of them, of article eighty-one of the Code of Public General Laws, title "Revenue and Taxes," as the same existed on the said 30th day of March, 1896, and wherever the words "City Court of Baltimore" occur in this article they shall be construed to mean the Baltimore City Court.

1896, ch. 142.

**197.** The lists provided to be furnished in the preceding sections of this article by the taxpayer to the assessors and by them returned to the boards of control and review of Baltimore city and the boards of county commissioners of the several counties of this State, acting as boards of control and review, shall, by the said assessors, and the said respective boards of control and review be safely kept and the same shall not be disclosed to any person other than a tax or assessment official; nor shall any copies be permitted to be made, unless in case of an appeal from said assessment by the taxpayer or a revision thereof be ordered by the proper judicial authorities as provided in this article. And any assessor, member of a board of control and review, or county commissioner acting as a member of a board of control and review who shall violate this provision or permit the same to be violated shall be deemed guilty of a misdemeanor and upon indictment and conviction shall be fined not less than fifty nor more than five hundred dollars, in the discretion of the court; provided that nothing in this section shall prohibit the clerks of the county commissioners of the several counties, and clerks of the Appeal Tax Court of Baltimore city from giving the assessment and valuation of real estate to parties having the right to demand the same.

1896, ch. 140.

**198.** The provisions of this article shall not apply to the shares of homestead or building associations incorporated under the laws of the State and doing business solely therein, to the extent that such shares represent investments in mortgages on real or leasehold estates located wholly within this State, and executed by members of such homestead or building associations.

1896, ch. 140.

**199.** For the purposes of county and municipal taxation, the total assessment and valuation of rolling stock of railroad companies made in the assessment district in which is the legal situs of said rolling stock, as defined by section 178 shall be divided among the counties and the city of Baltimore in proportion to the mileage of the railroads located in such counties and city respectively, and the provisions of section 178 in so far as the same are in conflict with the provisions of this section, are hereby expressly repealed, and for the purpose of making the apportionment and division aforesaid of said rolling stock mentioned in section 178 according to such mileage, the several boards of control and review of the respective counties and of the city of Baltimore shall, as soon as they shall have completed the assessment thereof, report to the State tax commissioner the total assessment or valuation of the rolling stock of said railroad companies, so made in their respective counties and in said city, and the assessment district in which is the situs of said rolling stock, as defined by said section 178, and the said tax commissioner shall thereupon forthwith make the apportionment or division aforesaid of such total valuation among the several counties and the city of Baltimore according to the mileage therein, respectively, of such railroads, and after having made such apportionment or division thereof, he shall certify to the respective boards of county commissioners of the several counties and to the Appeal Tax Court of Baltimore city, the amount of the proportion of the valuation of such rolling stock to which each such county or the said city is so entitled; and such proportions, respectively, shall thereafter be valued and assessed for purposes of taxation in such respective counties or said city, subject to the right of appeal as in other cases in this article.

Ibid.

**200.** It shall be lawful for any railroad company or other corporation, in executing a mortgage on property located in this State, for the purpose of securing the payment of bonds issued by such corporation, to covenant in such mortgage to pay the taxes levied upon such mortgage, or the bonds secured thereby, or on the interest payable thereon; and in such cases the oath prescribed in sections 146 D and 146 D-1, shall not be required;

provided, however, that nothing contained in this section shall be held or construed to waive, release or otherwise interfere with the valuation and assessment, for purposes of taxation, of any bonds, secured by such mortgage, in the hands of the holders thereof, resident in this State, respectively, as directed in the case of other bonds by this article.

1896, ch. 148.

**201.** All bonds, certificates of indebtedness or evidence of debt in whatsoever form made or issued by any public or private corporation incorporated by this State or any other State, territory, district or foreign country, or issued by any State (except the State of Maryland,) territory, district or foreign country not exempt from taxation by the laws of this State, and owned by residents of Maryland, shall be subject to valuation and assessment to the owner thereof in the county or city in which such owners may respectively reside, and they shall be assessed at their actual value in the market, and such upon which no interest shall be actually paid shall not be valued at all, and upon such valuation the regular rate of taxation for State purposes shall be paid, and there shall also be paid on such valuation thirty cents (and no more) on each one hundred dollars for county, city and municipal taxation in such county or city of this State in which the owner may reside. All shares of stock or shares in any bank other than a national bank, or in any company or corporation incorporated by or located in and doing business in any other State, or District of Columbia, or in any territory or foreign country owned by residents of this State, shall be valued and assessed for the purpose of State, county and municipal taxation to the owners thereof in the county or city in which such owners may reside, and said shares shall be assessed and valued at their actual value in the market and upon which no dividend shall be actually paid shall not be valued at all, and upon the valuation so made the regular rate of taxation for State purposes shall be paid, and there shall also be paid on such valuation thirty cents (and no more) on each one hundred dollars for county, city and municipal taxation in such county or city of this State in which the owners may reside.

1896, ch. 148.

**202.** No extra assessment shall be made, and no extra or special tax shall be levied or collected on any bridge or bridges over streams or any tunnel forming any part of the roadway of any railroad or railroads or turnpike in this State, it being the meaning and intent of this section that any bridge over streams or any tunnel forming a portion of the roadway of any of said railroads or turnpikes shall be valued and assessed at the same rate that any other equal portion of such railroad or turnpike is valued.

1899, ch. 286.

**203.** All shares of stock in any bank (other than a national bank) incorporated by or located in or doing business in this State shall be valued and assessed for the purpose of State, county and municipal taxation to the owners thereof in the county or city in this State, in which said owners may respectively reside, in the same manner and to all intents and purposes as if the said shares of stock were shares of stock in a national bank located in this State, to the end that at no time shall the shares of stock in any bank incorporated by or located in or doing business in this State (other than a national bank,) or the owner or owners thereof be liable for or subject to any other or greater taxation than the same, or the owner or owners thereof would be if the said shares of stock were shares of stock in a national bank located in this State.

#### **Distilled Spirits.**

1892, ch. 704.

**204.** There shall be levied and collected upon all distilled spirits in this State as personal property the same rate of taxation which is imposed by the laws of the State on other property for State and county purposes.

*Ibid.*

**205.** For the purpose of such assessment and collection it is hereby made the duty of each distiller, and of every owner or proprietor of a bonded or other warehouse, in which distilled spirits are stored and of every person or corporation having custody of such spirits, to make report to the State tax commis-

sioner on the first day of January in each and every year of all the distilled spirits on hand at such date, and the tax for the ensuing year from the said first of January shall be levied and paid on the amount of distilled spirits so in hand, as representing the taxable distilled spirits for such year; provided, however, that the same distilled spirits shall not be taxed twice for the same year.

1892, ch. 704.

**206.** The said tax commissioner upon receiving said report shall fix the value of said spirits for the purposes of taxation under this article, and whenever the spirits are distilled by persons doing business as a corporate body and having shares of capital stock, the valuation by the tax commissioner shall be upon the spirits, as personal property, without reference to its capital stock which shall be treated as distinct from said distilled spirits as reported and such valuation put upon said stock as not to produce double taxation, and the said tax commissioner shall without delay transmit a copy of said valuation by mail to the Appeal Tax Court of Baltimore city, and to the board of county commissioners in the counties where distilleries are situate; and all distilled spirits upon the valuation and return so made shall be subject to municipal and county taxation as all other personal property located within the bounds of any county; and the county commissioners of the counties where distilleries are situate and the mayor and city council of Baltimore are directed and required in making their annual levies to impose upon the spirits so returned and valued by the State tax commissioner the State taxes as the same are prescribed by law. *Monticello Co. vs. Balto City - 1900 ch. 321*  
*90 Md. 416. - But see Fowles v. Kemp 92 Md. 630 as to Counties.*  
Ibid.

**207.** It shall be the duty of the distiller, owner or custodian, as hereinafter indicated and described, to make quarterly reports on the first days of January, April, July and October in each year between the first and fifth days of such months, showing all deliveries during the preceding current quarter, from his custody or care, of any part of the distilled spirits so reported; said delivery report to be made to the tax commissioner of this State, who shall without delay transmit a copy of such report by mail to the Appeal Tax Court of Baltimore city and to the board

of county commissioners of those counties in which distilleries are situate; and said distiller, owner or custodian shall also at the same time he makes a delivery report to the tax commissioner make said report in duplicate to the collector or other proper officers designated by law to receive and collect taxes for the county or city in which such distillery is situate, and shall in each case along with said report to the collector, make a remittance and payment of the tax upon such distilled spirits which shall be accounted for by said officer as other State and county taxes are accounted for.

1892, ch. 704.

**208.** No distiller, owner or custodian of such distilled spirits shall permit the same to go from his possession or control without the report and payment of tax hereinbefore provided for, and any person or persons or corporation violating the provisions of this section shall be proceeded against by the proper officer authorized to receive said taxes by distraint for the entire amount of the taxes assessed for the current year, and thereupon all such taxes shall become and be immediately due and collectible by distraint, together with all costs attending the proceedings and a further penalty of five hundred dollars for each such violation.

Ibid.

**209.** Any person or corporation making any false report or return as to or of the matters herein provided for shall be deemed guilty of a misdemeanor and subject to indictment therefor, and upon indictment and conviction shall be fined not less than one hundred nor more than one thousand dollars for each offense.

Ibid.

**210.** It shall be the duty of all distillers, warehousemen, and others to exhibit all necessary information on oath if required, to the Appeal Tax Court of Baltimore city, the several boards of county commissioners in the respective counties where distilleries are situate, and to any authorized officer proceeding to execute a distraint or to collect the tax imposed under this sub-title; and a failure so to do upon demand made shall be deemed a misdemeanor and subject to indictment, and upon indictment and

conviction shall subject the offender to a fine of not less than fifty dollars nor more than five hundred dollars.

1892, ch. 704.

**211.** Any warehouseman, custodian or agent paying the tax on distilled spirits herein provided for shall have a lien upon the distilled spirits covered by such tax.

Ibid.

**212.** The reports and returns presented by this sub-title, shall as far as possible describe the distilled spirits by name, serial numbers, dates and other convenient identifications.

Ibid.

**213.** It shall be the duty of the tax commissioner of the State to devise and prescribe such forms and blanks for reports and returns as may be needed or useful for carrying out the provisions of this sub-title.

*New Section added 1901 Ch 320.*

**Sale of State's Interest in Works of Internal Improvements  
or in Corporations.**

1892, ch. 810.

**214.** Whenever the board of public works in the exercise of the authority vested in them by the constitution shall determine to sell the State's interest in any or all works of internal improvements, whether as a stockholder or as a creditor, or its interest in any banking corporation, they shall before making such sale or sales advertise for sealed proposals for the space of sixty days in such newspapers as they shall think fit, for the purchase of said interest of the State in said work or works of internal improvement or in said banking corporation or corporations, and at the time and place named in said advertisement or advertisements, they shall open the said sealed proposals publicly in the presence of such persons as shall choose to attend, and if the price or prices offered by the highest bidder or bidders shall in their judgment be sufficient, they shall sell the said interest so offered for sale to the highest bidder or bidders, and by such apt and sufficient conveyance or conveyances or other instruments as the Attorney General shall approve they shall transfer to the purchaser or purchasers the interest so sold to him or them, but

if the highest price or prices shall in their judgment be insufficient they shall have power and it shall be their duty to reject said bid or bids.

1892, ch. 810. 1896, ch. 172.

**215.** The board of public works are hereby authorized and directed, whenever they shall determine it to be for the best interest of the State to sell the whole or any part of the following State stocks and securities, to wit: Fifty-five hundred shares of the capital stock of the Washington Branch of the Baltimore and Ohio Railroad Company; six hundred shares of the capital stock of the Annapolis Water Company; fifteen hundred and forty-nine shares of the capital stock of the Farmers' National Bank of Annapolis; mortgage of the Northern Central Railway Company to the State of Maryland, securing an annuity of ninety thousand dollars to the said State of Maryland, all now held and owned by the State of Maryland. And in making sale of such stock or securities the said board of public works are directed to proceed as directed in the preceding section. But the said board of public works may exchange any of the said State securities at their actual market value, for an equal amount of the outstanding bonds or certificates of indebtedness of the State of Maryland, and full authority is hereby given them to execute and deliver such transfers or assignments as may be necessary to effect such sale, exchange or transfer. And whenever there shall be any sale or transfer of such State securities by the board of public works, the proceeds thereof shall be applied to the payment and cancellation of a like amount of the outstanding bonds or certificates of debt of the State of Maryland. And whenever any of the outstanding bonds or certificates of debt of the State shall be paid, the same shall be cancelled and entered by designation and number by the treasurer, in the book in his office known as the "treasurer's record of bonds paid and cancelled." And the treasurer and comptroller are hereby directed, during the month of September, and prior to the close of the fiscal year next preceding the meeting of the General Assembly, to charge off on their books of account, all such State bonds and certificates of debt which have been paid or redeemed, so as to reduce the accounts of such bonds and certificates of debt to the amounts then actually outstanding and unpaid, so that the said books, at

the time the comptroller's report is made, will show the actual outstanding debt of the State. And the treasurer shall report the same to the next succeeding General Assembly, fully and in detail. And the committee of finance of the Senate and the committee of ways and means of the House of Delegates shall examine said books of the treasurer during the first thirty days of the session, and shall burn and destroy all the State bonds and certificates of debt which have been paid, redeemed and charged off as aforesaid, and make report and certificate thereof to the General Assembly, which report shall be printed in the journal of the proceedings of the Senate or House of Delegates.

1892, ch. 310.

**216.** If after advertising as provided in section 214 for sealed proposals, no such sealed proposals shall be submitted, or if as authorized in said section, they shall reject all of said proposals, they shall be authorized to sell and transfer the State's interest in any or all works of internal improvement and any or all banking corporations at private sale upon the best terms and highest prices which they can obtain therefor. And in making said public or private sale or sales, they shall be authorized to employ such agents to assist them in making said sales to the best advantage as they shall deem necessary to secure the most advantageous sale or sales of the State's said interest, and to pay said agent or agents so employed such compensation for their services as shall be mutually agreed on, such compensation to be paid only out of the proceeds of sales and not otherwise.

*Ibid.*

**217.** The sum of five hundred dollars is hereby appropriated out of any money in the treasury not otherwise appropriated for the purpose of defraying the costs and expenses which shall be incurred by the board of public works in carrying this sub-title into effect.

## ARTICLE LXXXVII.

## SHERIFFS.

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| 2. Bond of sheriff. Bond of sheriff of Calvert county. | 15A. Returns of proceeds of sale by sheriff. Ratification by court. Appeal by party aggrieved. |
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1894, ch. 647.

2. He shall also, before he acts as such, give bond to the State of Maryland in the penalty of twenty-five thousand dollars, with security to be approved by two judges of the orphans' court or the judge of the circuit court for his county, if he be elected for a county, or any two judges of the Orphans' Court of Baltimore city, or the judge of the Superior Court of Baltimore city, if he be elected for said city, with condition that he shall well and faithfully execute the office of sheriff of \_\_\_\_\_ county or the city of Baltimore, in all things appertaining thereto, and shall well and truly perform all the duties required by law to be by him performed; provided, that the sheriff elected for Calvert county shall be required to give a bond in the penalty of ten thousand dollars, and for no greater sum. 1900  
Ch. 454

1894, ch. 61.

15 A. Any sheriff may make one or more returns of the proceeds of sale under any *feri facias*, attachment or *venditioni exponas*, where dispute is known to exist as to the distribution of the proceeds of sale, to the circuit court for his county, or to the court in Baltimore city out of which the process issued, and the court may ratify one of the sheriff's returns, or may reject all returns and remand the same to the sheriff for a further return; provided, that any one aggrieved by the decision of the court in ratifying any return may appeal to the Court of Appeals as may now be done from any final decree or order in the nature of a final decree, from a court of equity.

## ARTICLE LXXXIX.

### STATISTICS AND INFORMATION AS TO BRANCHES OF INDUSTRY.

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| <ol style="list-style-type: none"><li>1. Industrial bureau to be established. "Chief of the industrial bureau" to be appointed.</li><li>2. Duty of such officer as regards labor, agriculture, minerals, transportation. All officers</li></ol> | <p>of the State to transmit to the said officer all reports as soon as published. Publication of said information in a book to be annually revised. Appropriation for these provisions.</p> |
|---|---|

1892, ch. 29.

1. A bureau of statistics and information concerning the various branches of industry practised in this State, and the needs thereof, is hereby established, and a person to be known as the "chief of the industrial bureau" shall be appointed by the Governor, by and with the advice and consent of the Senate, who shall hold office for the term of two years and until the appointment and qualification of his successor, and shall receive as compensation the sum of twenty-five hundred dollars a year.

Ibid.

2. It shall be the duty of the chief of the industrial bureau :

1st. To collect statistics concerning and examine into the condition of labor in this State, with especial reference to wages, and the causes of strikes and disagreements between employers and employes.

2d. To collect information in regard to the agricultural condition and products of the several counties of the State, the acreage under cultivation and planted to the various crops, the character and price of lands, the live stock, et cetera, and all other matters pertaining to agricultural pursuits, which may be of general interest and calculated to attract immigration to the State.

3d. To collect information in regard to the mineral products of the State, the output of mines, quarries and so forth, and the manufacturing industries.

4th. To collect information in regard to railroads and other transportation companies, shipping and commerce.

5th. To keep a bureau of general information, and to this end all officers and institutions of this State, including officers of the General Assembly, are hereby directed to transmit to the chief of the industrial bureau all reports, as soon as published.

6th. To classify and arrange the information and data so obtained, and as soon as practicable after entering upon the duties of his office publish the same in substantial book form and annually thereafter revise and republish the same.

7th. The sum of five thousand dollars, or so much thereof as may be necessary, is hereby annually appropriated to pay the salary of the chief of the industrial bureau, and the expenses incident to the execution of the duties of his office; but no part of said expenses shall be paid until the same shall have been approved by the Governor, and the said officer shall annually return to the comptroller of the treasury a detailed statement of said expenses, and shall also print the same in the book of statistics.

## ARTICLE XCI.

### SURVEYOR.

#### State Geological and Economic Survey.

19. State geological and economic survey established; of whom composed.
20. Objects of such survey.
21. Reports to be made to legislature.
22. Regular and special reports to be printed.

23. Disposal of material collected.

24. Commission authorized to make provision for completion of the topographic survey of Maryland, and for the publication of special reports.

25. Appropriation for carrying out the purposes of this sub-title.

#### State Geological and Economic Survey.

1896, ch. 51.

19. There is hereby established a State geological and economic survey, which shall be under the direction of a com-

mission composed of the Governor, the comptroller, the president of the Johns Hopkins University and the president of the Maryland Agricultural College, who shall serve without compensation, but shall be re-imbursed for actual expenses incurred in the performance of their official duties; and the said commissioners shall have general charge of the survey, and shall appoint as superintendent of the same a geologist of established reputation, and upon his nomination such assistants and employees as they may deem necessary; and they shall also determine the compensation of all persons employed by the survey, and may remove them at pleasure.

1896, ch. 51.

**20.** The survey shall have for its objects:

(1.) An examination of the geological formations of the State, with especial reference to their economic products, viz: building stones, clays, ores and other mineral substances.

(2.) An examination and classification of the soils and a study of their adaptability to particular crops.

(3.) An examination of the physical features of the State, with reference to their practical bearing upon the occupations of the people.

(4.) The preparation of special geological and economic maps to illustrate the resources of the State.

(5.) The preparation of special reports, with necessary illustrations and maps, which shall embrace both a general and detailed description of the geology and natural resources of the State.

(6.) The consideration of such other scientific and economic questions as, in the judgment of the commissioners, shall be deemed of value to the people of the State.

Ibid.

**21.** The commissioners shall cause to be prepared a report to the legislature before each meeting of the same, showing the progress and condition of the survey, together with such other information as they may deem necessary and useful or as the legislature may require.

1896, ch. 51.

**22.** The regular and special reports of the survey, with proper illustrations and maps, shall be printed as the commissioners may direct, and the reports shall be distributed or sold by the said commissioners as the interest of the State and of science demands, and all moneys obtained by the sale of the reports shall be paid into the State treasury.

Ibid.

**23.** All material collected, after having served the purposes of the survey, shall be distributed by the commissioners to the educational institutions, in such manner as to be of the greatest advantage to the educational interests of the State; or, if deemed advisable, the whole or a part of such material shall be put on permanent exhibition.

1898, ch. 129.

**24.** Said commission is hereby authorized to make provision for the completion of the topographic survey of Maryland in such manner as in the opinion of the commission will be of the greatest benefit to the agricultural, industrial, geological and military requirements of the State of Maryland, and to publish special reports dealing with the various mineral products and with the natural resources of each county in the State of Maryland.

Ibid.

**25.** For the purpose of carrying out the provisions of this sub-title, the sum of fifteen thousand dollars annually, or so much thereof as may be necessary, is hereby appropriated out of any funds in the treasury not otherwise appropriated, and the said amount shall be drawn from the treasury by the said commission in the same manner as the other funds of the survey.

# ARTICLE XCIII.

## TESTAMENTARY LAW.

### Administration.

- 18-22. Order of legal right to administration.  
 82-82 A. Repealed by 1898, chapter 381.  
 35. Administration shall not be granted to judge or register unless next of kin or largest creditor.

### Administration Pendente Lite.

68. To whom such letters shall be granted.

### Distribution.

- 120-123. Order of distribution amongst next of kin.  
 143. Meeting of legatees, etc. for purposes of distribution.

### Guardian and Ward.

152. When administrator's duty to act as guardian shall terminate. Power of Orphans' Court to order money of infant distributee to be deposited in bank.  
 171. Power of Orphans' Court to order investments of estate.

### Guardian and Infants not Residing in this State.

196. Payment of legacy, etc., to foreign guardian of non-resident infant, how made.

### Inventory and List of Debts.

205. Warrent to appraisers.  
 205 A. How such appraisers are appointed.

- 205 B. Per diem of appraisers. This section not to apply to Baltimore city.

- 215 A. In case of death of party after issues granted, whom the court may admit as a party.

### Orphans' Court.

227. Salaries of the judges of said court for the counties and for Baltimore city.  
 227 A. Chief judge of said court to be designated by the Governor; his power and authority.  
 230. Jurisdiction of the Orphans' Court.  
 232. Power of said court to remove guardian upon allegation, and proper proof of misconduct or incapacity.  
 249. Power of said court as to plenary proceedings. Penalties for refusal to answer.

### Register of Wills.

273. Comptroller shall fix number and compensation of clerks to said register.

### Sales.

- 290 A. Ratification of sale.

### Widows.

- 306 A. Provisions of sections 291 to 306 applicable as well to surviving husband as to widow.

### Wills.

- 311 A. Sections 310 and 311 not applicable to wills executed prior to August 1, 1884.

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| <p>312. Repealed by 1892, chapter 587.</p> <p>316 A. When pecuniary legacies shall be paid out of real estate.</p> <p>319. Will made out of the State, when valid. When construction is to be according to the laws of Maryland.</p> <p>326 A. No will to be subject to caveat after three years from its probate.</p> | <p>331. Executors or other persons exhibiting a will shall be examined on oath as to existence of any other will, etc.</p> <p>334. All witnesses to wills shall be examined. Proviso.</p> <p>337. Probate when attesting witnesses are dead or inaccessible.</p> |
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### Administration.

1898, ch. 331.

18. If the intestate leave a surviving husband or widow, as the case may be, and a child, or children, administration at the discretion of the court shall be granted either to the surviving husband or widow as the case may be, or child, or one of the children.

Ibid.

19. If there be a surviving husband or widow, as the case may be, and no child, the surviving husband or widow, as the case may be, shall be preferred, and next to the surviving husband or widow, as the case may be, or children, a grandchild shall be preferred.

Ibid.

20. If there be neither surviving husband nor widow, as the case may be, nor child, nor grandchild, the father shall be preferred.

Ibid.

21. If there be neither surviving husband nor widow, as the case may be, nor child, nor grandchild, nor father, brothers and sisters shall be preferred, and next to brothers and sisters the mother shall be preferred.

Ibid.

22. If there be neither surviving widow nor husband, as the case may be, nor child, nor grandchild, nor father, nor brother, nor sister, nor mother, the next of kin shall be preferred.

1898, ch. 831.

**32.** Repealed.

Ibid.

**32A.** (1892, ch. 440.) Repealed.

1894, ch. 462. 1898, ch. 496.

**35.** No administration or letters testamentary on any will executed after the 9th of April, 1898, shall be granted to any judge of the orphans's court, or of the circuit court, or register of wills of the county where he is judge or register of wills, unless he be next of kin or largest creditor.

#### **Administration Pendente Lite.**

1894, ch. 107.

**68.** In all cases where the validity of a will is or shall be contested, letters of administration pending such contest may, in the discretion of the orphans' court, be granted to the person named executor or to the person to whom the largest portion of the personal estate may be bequeathed in such contested will, or to the person who would be entitled to letters of administration by law, as in cases of intestacy.

#### **Distribution.**

1898, ch. 831.

**120.** If the intestate leave a surviving husband or widow, as the case may be, and no child, parent, grandchild, brother or sister, or the child of a brother or sister of the said intestate, the said surviving husband or widow, as the case may be, shall be entitled to the whole.

Ibid.

**121.** If there be a surviving husband or widow, as the case may be, and a child or children, or a descendant or descendants from a child, the surviving husband or widow, as the case may be, shall have one-third only.

Ibid.

**122.** If there be a surviving husband or a widow, as the case may be, and no child or descendant of the intestate, but the said intestate shall leave a father or mother, or brother or sister, or

child of a brother or sister, the surviving husband or widow, as the case may be, shall have one-half.

1898, ch. 381.

**123.** The surplus, exclusive of the share of the surviving husband or widow, as the case may be, or the whole surplus, (if there be no surviving husband or widow,) shall go as follows:

1896, ch. 255.

**143.** Any administrator or executor shall be entitled to appoint a meeting of persons entitled to distributive shares or legacies, or a residue of a decedent's estate, on some day by the orphans' court named and appointed, on petition, and distribution or payment may be then and there made under the court's direction and control, subject, however, to such adjournments from time to time as the court shall deem proper to order; and where the parties in interest are known and reside in the State of Maryland they may be notified under order of court by summons issued to any county in the State; and when they are non-residents of the State and are known, they may be notified under order of court by published notice, as hereinafter provided, of the day of meeting as aforesaid, and the object of it; and when the places of residence of the persons in interest are unknown, or when the parties in interest are unknown, or when it is not known whether the persons in interest be actually living or dead, they may be proceeded against as non-residents, and in all cases when the parties are non-residents, or may be proceeded against as non-residents, as aforesaid, the court may order notice to be given by publication in one or more newspapers, stating the time and purpose of the meeting, and warning such person or persons if known, and all persons interested as distributees, legatees or otherwise, in the residue of the decedent's estate, to be and appear in person, by guardian, solicitor or agent, on or before the day named in such order for distribution or payment, and such notice shall be published as the court shall direct, not less than once a week for four successive weeks, thirty days before the day named in such notice for distribution and payment to be made; and distribution and payment as aforesaid, made under the direction and control of the court, shall protect and indemnify the administrator or executor acting in obedience to it.

**Guardian and Ward.**

1890, ch. 404.

**152.** No administrator shall be bound in any manner to discharge and fulfill the duties of guardian after the close of his administration, or after the end of three years from the granting of such administration, nor after a guardian shall be appointed by the orphans' court; and whenever an administrator is ready to pay over any money and there is no guardian of the person entitled who is under age, the several orphans' courts of this State may order that such money shall be deposited in any bank, savings bank, safe deposit company, or other corporate body to be named in the order, in which it may draw interest in the name of the person entitled, subject, however, to the order of such court, where it shall remain, and the administrator shall retain the book of deposit or receipt for such deposit, until such person becomes of age to receive it, or a guardian be appointed, and such order and the deposit made in pursuance thereof shall be a release to such administrator.

1890, ch. 211. 1892, ch. 100.

**171.** They shall order the guardian who has received from any trustee of a court of equity, any proceeds of real estate of his ward sold by such trustee, or the proceeds of the sale of leasehold estate of his ward, sold by order of the orphans' court, or moneys belonging to his ward, to invest the same in mortgages on unincumbered real estate, worth at least double the amount loaned, or such public stock, permanent funds, or other good securities to be selected by said guardian, as will yield the highest rate of interest that can reasonably be had, or they may when it is clearly for the benefit of the ward, order the same to be invested in land; and the investment selected shall be reported to the court for its approval before becoming permanent and the increase or surplus income of such investment, after what may be necessary for the maintenance and education of the ward, shall be invested in like manner under the direction and approval of the court, and no part of the principal shall be applied to the maintenance and education of the ward without the order and consent of the orphans' court first had and obtained.

Macgill v. McEvoy, 85 Md. 298.

**Guardian, and Infants not Residing in this State.**

1890, ch. 253. 1892, ch. 557.

**196.** If any non-resident infant shall be entitled to any legacy, bequest or distributive share, or to the proceeds of any sale made under a decree of a court of equity or to any money or personal property in the hands of a trustee appointed by will or shall be entitled to the proceeds of sale of property in this State or to any legacy, bequest or distributive share of any personal property in the hands of any administrator or guardian in this State, and such infant has a guardian regularly appointed in the State, district or territory of the United States in which such infant resides, such foreign guardian may obtain an order from the proper court for the payment, transfer or delivery of such proceeds, legacy, bequest or distributive share upon the terms prescribed in the next two succeeding sections.

*Bernard v. Trust Co.*, 80 Md. 122.

**Inventory and List of Debts.**

1890, ch. 155.

**205.** The Orphans' Court or register of wills of the city of Baltimore, or the counties of the State, as the case may be, on granting letters testamentary or of administration, or of collection shall issue a warrant or warrants under their seal of office, authorizing two persons of discretion, not related to the deceased nor interested in the administration, to appraise the goods, chattels and personal estate of the deceased known to them, or to be shown by the executor, administrator or collector.

*Ibid.*

**205 A.** The two persons to appraise the estate as mentioned in section two hundred and five shall be nominated to the court or register of wills as the case may be, by the executor, administrator or collector and their warrants to appraise shall issue on the approval of their appointment by the court or register of wills as the case may be; provided, however, that nothing contained in this section shall apply to the Orphans' Court or register of wills of the city of Baltimore.

*Ibid.*

**205 B.** Said appraisers shall receive a per diem of not more than two dollars a day for the time they are actually engaged in

said appraisement, said per diem to be paid out of the estate of the decedent after said appraisers have filed an itemized sworn account of the number of days they were actually engaged in said appraisement, with the orphans' court or register of wills, as the case may be, and after said sworn statement is approved by said court or register of wills, as the case may be ; provided, however, that nothing contained in this section shall apply to the Orphans' Court or register of wills of the city of Baltimore.

1890, ch. 51.

**215 A.** Whenever after issues granted any party thereto dies, the court to which they are sent may admit as a party to such issues the proper representative, whether as to realty or personalty, namely, devisee, heir, executor or administrator of the party so dying in the place of such party, and the orphans' courts shall have the same right at any time after filing a petition before the issues are sent.

#### **Orphans' Court.**

1892, ch. 465. 1898, ch. 256.

**227.** The judges of the orphans' court of the several counties shall each receive the sum of four dollars, and the judges of the Orphans' Court of Baltimore city shall receive nine dollars for every day's attendance upon the sessions of said court, to be paid by the counties and the city of Baltimore, respectively ; provided, that in Allegany and St. Mary's counties said judges shall not lose said per diem, if prevented from attending the session of said court by reason of an actual *bona fide* sickness such as renders them unable to attend to the ordinary pursuits of life. In Baltimore city the sessions of the court shall continue from 11 A. M. to 3 P. M. if necessary for the transaction of the business of the court.

1892, ch. 187.

**227 A.** The Governor shall, of the three persons elected judges of the orphans' court in the several counties and the city of Baltimore, designate and commission one as chief judge of his respective court, and all acts of the Governor in designating one of said judges as chief judge, and in commissioning him as such, and all commissions heretofore issued by the Governor to said

judges so designated and commissioned as the chief judge of his respective court, are hereby ratified and confirmed to all intents and purposes as if this section had been in full force when such designations were made and commissions issued, and full power and authority are hereby vested in each of said judges so designated and commissioned as chief judge to act as such chief judge, and all writs and other process tested in the names of said chief judges respectively are hereby declared valid to all intents and purposes, as if this section had been in force when the same were issued.

1896, ch. 246.

**230.** The court shall have full power to take probate of wills, grant letters testamentary and of administration, direct the conduct and settling the accounts of executors and administrators, superintend the distribution of the estates of intestates, secure the rights of orphans and legatees, and to administer justice in all matters relative to the affairs of deceased persons; and also of persons who by their uninterrupted absence, unheard of for above seven years, are supposed to be dead; provided, that when any will or codicil shall be presented for probate, or application shall be made for letters testamentary, or of administration upon the estate of a person so absent and unheard of for above seven years, the person presenting such will or codicil, or making application for letters, as aforesaid, shall file a written petition, under oath, setting forth the time when and place where absentee was last heard of by his family or friends; that diligent inquiry has been made among the family, relatives and friends of such absentee; and that advertisement and inquiry by letters or otherwise have been made, at the most likely place of his last residence, and that no information, by any of these means, has been obtained of such absentee since the date set forth in the petition, which must be above seven years prior to the date of the petition, and that the applicant verily believes such absentee to be dead, whereupon the court shall order notice, by publication, to be given in one or more newspapers, stating that a will or codicil purporting to be the will or codicil of such absentee had been presented for probate, or that application had been made for letters testamentary or of administration upon the estate of such absentee, as the case may

be, and warning such absentee to appear on or before the day fixed in such order, and show cause why the will or codicil should not be probated, and letters testamentary granted thereon, or letters of administration granted, if there be no will; and such notice shall be published as the court may direct, not less, however, than once a week, for four successive weeks, fifteen days before the day fixed by such order for the appearance of the absentee; and if no appearance be made, the court may, if it see fit, summon before it, and examine, under oath, any relations or friends of such absentee, respecting his absence, and if no information or evidence shall be obtained indicating the probable existence of such absentee, the court may judicially determine such absentee to be dead, and may proceed to probate the will or codicil in the usual manner, and to grant letters testamentary thereon, or to grant letters of administration, as the case may be, as upon the estate of a deceased person; and such probate and such letters, either testamentary or of administration, when granted, shall have the same force and effect as if granted upon the estate of a person proven by direct testimony to be dead.

1890, ch. 425.

**232.** The court may on the application of any infant or any one in his behalf suggesting improper conduct in any guardian whatever, either in relation to the care and management of the property or person of the infant, or physical or mental incapacity of the guardian to properly fulfill his duties and the purposes of the office, or any other matter or thing whereby it appears that the guardian is or has become unable to bestow such direct personal care and supervision over the person or estate of his ward as is requisite to the proper discharge of the duties of guardianship, inquire into the same, and at its discretion, remove such guardian and make choice of another who shall give security and conduct himself in the manner herein prescribed and shall receive the property and custody of the said ward.

McGill v. McEvoy, 85 Md. 293.

1892, ch. 275.

**249.** The orphans' court may, in all cases of controversy therein, upon the application of either party, direct plenary proceedings by bill or petition, to which there shall be an answer on

oath, and if the party refuse to answer any matter alleged in the bill or petition, proper for the court to decide upon, he may be attached, fined and committed, or his property may be attached and sequestered; and the appearance of the defendant or defendants to such bill or petition may be compelled by writ of summons, order of publication or attachment, as such appearance is now compelled to bills and petitions in the circuit court for the counties, as courts of equity, and the judges of the orphans' court and register of wills shall have the same authority to order, issue and attest such process respectively as the judges and clerks of said circuit courts now have respectively, in cases in their courts.

### **Register of Wills.**

1892, ch. 409.

**273.** The comptroller shall, from time to time, limit and fix the number and compensation of assistant clerks or deputies to be employed by any such register, and no account for compensation for services of any assistant clerk, deputy or other person employed in performing any of the duties pertaining to the office of any such register, shall be allowed until such assistant, deputy or other person employed shall have certified, under oath, that the said services have been performed, that he has received the full sum therein charged to his own use and benefit, and that he has not paid, deposited or assigned, nor contracted to pay, deposit or assign any part of such compensation to the use of any person nor in any way, directly or indirectly paid or given, nor contracted to pay or give any reward or compensation for his office or employment, or the emoluments thereof; and such registers of wills are hereby authorized to appoint such assistant clerks and deputies, and when duly qualified as such, said assistant clerks and deputies shall have power and authority, in the absence of the register, to act in the place and stead of the register in all matters pertaining to the duties of the office of register of wills; and all such acts heretofore performed by any such assistant clerk or deputy are hereby expressly ratified and confirmed as if they had been performed by the register of wills in person.

**Sales.**

1898, ch. 499.

1900  
ch. 74     **290 A.** Whenever a sale of real or leasehold estate is made under the authority of the orphans' court, and reported to said court for its ratification, the sale may be ratified by said court at once without the publication of an order *nisi*, provided all parties in interest are *sui juris*, and their consent is given to such immediate ratification.

**Widows.**

1898, ch. 331.

**306 A.** The provisions of the preceding sections 291 to 306, both inclusive, relating to the rights of widows in the estates of their husbands, shall apply to and be enforced in favor of surviving husbands, so as to give to, vest in and confer upon surviving husbands the same rights in the estates of their deceased wives, which said sections 291 to 306, both inclusive, give to, vest in and confer upon widows in the estates of their deceased husbands.

**Wills.**

1892, ch. 169. 1894, ch. 143.

**311 A.** Sections 310 and 311 of this article shall not apply to any will or bequest executed prior to the first day of August, eighteen hundred and eighty-four, but as to any such will or bequest, the law as it existed prior to the said date shall apply and govern the same.

Trustees, &amp;c. v. McKinstry, 75 Md. 191.

1892, ch. 587.

**312.** Repealed.

1894, ch. 438.

**316 A.** In all wills hereafter executed, the real estate of every testator not specifically devised shall be chargeable with the payment of pecuniary legacies, wherever the personal estate after the payment of debts shall prove to be insufficient, unless the contrary intention shall clearly appear.

Pearson v. Wartman, 80 Md. 531.

1894, ch. 151.

**319.** Every will or other testamentary instrument made out of the State shall be held to be valid in Maryland, if the same be made according to the forms required by the law of the place where the same was made or by the law of the place where the testator was domiciled when the same was made, or according to the forms required by the law of this State; and if the testator was originally domiciled in Maryland, although at the time of making the will or at the time of his death, he may be domiciled elsewhere, the said will or testamentary instrument then so executed shall be admitted to probate in any orphans' court of this State; and when so admitted, shall be governed by and construed and interpreted according to the law of Maryland, without regard to the *lex domicilii*, unless the testator shall expressly declare a contrary intention in said will or testamentary instrument.

1894, ch. 405.

**326 A.** No will, testament, codicil or other testamentary paper shall be subject to caveat or other objection to its validity after the expiration of three years from its probate.

Garrison v. Hill, 81 Md. 551. Manning v. Carruthers, 83 Md. 8.

1890, ch. 416.

**331.** Every executor or other person exhibiting a will shall be examined on oath whether or not he knows of any other will or codicil, and in what manner the will or codicil exhibited came into his hands.

1890, ch. 416. 1892, ch. 81.

**334.** In proving a will or codicil all the witnesses thereto shall be examined if their attendance can be had, and the register of wills of any county or of the city of Baltimore where any will shall have been filed for probate, or any deputy of his when directed so to do by an order of the orphans' court may examine and take the deposition of any or all of the witnesses thereto who from any cause cannot conveniently attend to the office of said register of wills, wherever he may find such witness, or witnesses, whether within the State of Maryland or beyond its jurisdiction, provided that before the original will is taken from the office of said

register of wills for the purpose of being so proved, the said register shall cause to be made out and filed among the records of his court, a copy of said will duly certified under the seal of his court; and the probate of any will so taken shall have the same effect and be as valid as if all of the witnesses thereto had appeared before and been examined by the orphans' court or the register of wills of the county or city where the same had been filed for probate and record, provided further that the orphans' court may in their discretion, accept proof of any will, in the manner prescribed in section 337 of this article, when the attendance of the witnesses thereto cannot, in the judgment of the said court be conveniently had.

1892, ch. 504.

**337.** If any witness or witnesses to any will shall die before probate thereof, or if at the time of the probate of any will any witness or witnesses shall be non-residents or beyond the jurisdiction of the orphans' court, or if for any other reason their presence cannot be secured, then proof by any credible witness of the signature of the testator or of the signature of any such deceased or absent witness shall have the same effect upon the probate of said will as if said deceased or absent witness had been present at said probate and had testified that said will was duly executed.

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## ARTICLE XCV.

### TREASURER.

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|--|---|
| 7. Clerks to treasurer; their salaries.  | 28. Securities, how to be kept. Who shall be entitled to have access thereto. |
| 23. Counting and cancellation of bonds and stocks; report to be filed; bonds to be burned. | 29. Record of the sinking fund account.                                       |
| 26. Money in excess to be held to the credit of the general sinking fund.                  | 30. Duplicate certificates for bank stock owned by State.                     |

1892, ch. 268.

7. The treasurer of Maryland shall appoint three clerks to assist in the discharge of his duties, one of whom shall receive an annual salary of eighteen hundred dollars, and the other two of whom shall each receive an annual sum of twelve hundred dollars.

1890, ch. 571.

23. The comptroller and treasurer shall within the first two weeks of January, April, July and October in every year, in the presence of the Governor, count and cancel the bonds and certificates for stocks of the State and count and examine the other securities purchased or obtained by the treasurer for the use of the sinking fund; and a statement of the bonds and certificates so counted and those so counted and cancelled signed by the comptroller and treasurer and countersigned by the Governor shall be filed in the office of the comptroller within one week after each such count and cancellation; and the committee on finance of the Senate and the committee on ways and means of the House of Delegates shall jointly during each session of the legislature and within the first month of such session, examine and count all such bonds and certificates of stock so purchased or obtained up to the close of the fiscal year next preceding such session, and cancelled or stamped "purchased for the sinking fund," as required by the provisions of this article, and shall burn all such bonds and certificates of stock as belong to the overdue debt of the State, and shall examine carefully all bonds or certificates of stock maturing at some future day for the purpose of ascertaining that the same have been endorsed or marked, cancelled or stamped "purchased for the sinking fund," as required by section twenty-six of this article, and that the accruing coupons and interest thereon have been collected and credited to said sinking fund, and shall make a joint report of their proceedings therein to both houses of the legislature, within two weeks after they shall have finished their said duties as prescribed by this section.

Ibid.

26. All money remaining in the treasury of the State at the close of each fiscal year in excess of one hundred and fifty thousand dollars and of the sums required to meet the interest due

or accruing upon the public debt of the State and the expenses of the State government as defined by law shall be held by the treasurer of the State to the credit of the general sinking fund of the State and shall be invested by the treasurer in the overdue bonds and stocks of the State, and when such overdue bonds and stocks of the State are not procurable, then in the obligations of the State not yet matured at the best possible rates for the State, or in the securities issued by the United States or in such other productive stocks or bonds as the treasurer, the governor and comptroller concurring, may consider safe and reliable at the best possible rates for the State, and the sum of one hundred thousand dollars, which is directed by section eight of this article to be set apart in each year for the augmentation of the sinking fund, may be invested in the same manner and under the same conditions by the treasury; every bond, certificate of stock or other security, purchased for the sinking fund under the provisions of this article, and every coupon attached thereto shall at once be distinguished and identified by the treasurer in the presence of the comptroller, by stamping in red ink across the face thereof the words "purchased for the sinking fund," and also except in case of coupons by writing thereon in red ink the date of its purchase and the signature of the treasurer; all securities purchased for the sinking fund shall be held by the treasurer to the credit of said fund in manner as prescribed by section twenty-eight of this article, and the interest and coupons on all such securities, maturing at a future day shall accrue to and be regularly and promptly collected for and credited to the sinking fund, until such time as such securities shall mature and be redeemed respectively, or until the General Assembly shall dispose of the same, or in case of overdue securities of this State, until the same shall be burned by the finance committee and the ways and means committee as prescribed by section twenty-three of this article.

1890, ch. 571.

**28.** All bonds, certificates of stock and other securities purchased or obtained by the treasurer for the use of the sinking fund, and all bonds, certificates of stock and other securities belonging to the State shall be deposited and kept in some safe deposit company in the city of Baltimore, to be selected by the

treasurer with the approval of the board of public works ; the treasurer alone shall not be entitled to have access to the box, boxes, vault or vaults, where such securities shall be kept, but on all occasions when access to the same is to be had by him, he shall be accompanied by the comptroller or by some other member of the board of public works, designated by the Governor for that purpose ; in case the comptroller be unable to attend in any particular case, the box or boxes, vault or vaults where such securities shall be kept shall be so constructed that two entirely different keys shall be required to gain access to said securities, one of which keys for each such box or vault shall be in the custody of the treasurer, and the other in that of the comptroller.

1890, ch. 571.

**29.** The treasurer of the State and the comptroller of the treasury shall each forthwith procure a properly bound book, to be used for the sinking fund account, in each of which shall be properly and regularly entered a registry of all bonds, certificates of stock and other securities belonging to the sinking funds ; said books shall be ruled in columns appropriately headed, in which said several columns shall be entered the number, kind, class, character, value, denomination or other proper description of all bonds, certificates of stock or other securities now held and belonging to the sinking fund of the State, and in all cases of future purchases or acquisitions for said funds, the kind or class of security so purchased or acquired, the proper number borne by each such bond, certificate of stock or other security so purchased or acquired, the number of shares of stock represented by each such certificate, the par value of each bond, share of stock or other security, the price paid for the same, the name of the person, firm or corporation from whom or through whom the same was or were purchased or acquired, the date of each such purchase or acquisition, and the date of depositing each such security in the box or boxes, vault or vaults of the safe deposit company, or any other place rented by the State for that purpose, and finally a column headed remarks, in which shall be entered the final disposition made of each such security so purchased or acquired, whether burned, redeemed or otherwise disposed of, and the date, authority and cause of such disposition ; one of

said books shall be kept at the comptroller's office, and the other at the office of the treasurer, and shall each be duly and promptly posted in the manner as aforesaid, under the direction of the said respective officers, and they shall at all proper times be accessible to the Governor, and the finance committee of the senate and the ways and means committee of the house of delegates.

1892, ch. 228.

**30.** The treasurer is authorized on the order of the board of public works to obtain duplicate certificates for any bank stock owned and held by the State, when the original certificates have been lost or misplaced; and when any duplicate certificates have heretofore been issued to said treasurer on his application in pursuance of an order of said board or may hereafter be issued to him in pursuance of the order of said board, the State does hereby agree and undertake to indemnify and save harmless and free from loss the said banks so issuing or having issued said duplicate certificates as aforesaid.

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## ARTICLE XCVI A.

### WEATHER SERVICE—STATE.

- |   |                                    |
|---|------------------------------------|
| 1. State Weather Service established.           | 3. Annual appropriation.           |
| 2. Central station at Johns Hopkins University. | 4. Report to the General Assembly. |

1892, ch. 329.

**1.** There is hereby established a State weather service which shall be under the control and management of the Johns

Hopkins University, the Maryland Agricultural College and the United States weather bureau; the officers of said service shall be a director, designated by the president of the Johns Hopkins University, a secretary and treasurer designated by the president of the Maryland Agricultural College, and a meteorologist in charge, designated by the chief of the United States Weather Bureau; they shall be commissioned by the Governor, and be duly qualified as officers of the State. The said officers shall constitute a board of government, under the direction of the institutions from which they are appointed, and shall receive no compensation for their services as such officers.

1892, ch. 329.

2. The central station and office of said service shall be at the Johns Hopkins University. The board of government shall establish, if practicable, one or more voluntary meteorological stations in each county in the State, and supervise the same, co-operating with the chief of the United States Weather Bureau, for the suitable location of such stations, in order that the greatest usefulness may result to the State and national service. The said officers are authorized to print weekly and monthly reports of the results and operations of said service, and to distribute the same in such a manner as they shall deem most servicable to the people of the State.

Ibid.

3. The sum of two thousand dollars annually, or so much thereof as shall be necessary, is hereby appropriated out of any funds of the treasury not otherwise appropriated, for the purpose of carrying out the provisions of this article to be paid to said officers, or to their order, by the treasurer upon the warrant of the comptroller, and upon the vouchers of the said officers; provided, however, that no part of said sum shall be paid for salaries for any officer or officers, but a reasonable compensation may be paid for printing and other necessary and proper expenses of said officers.

1892, ch. 329.

4. Said officers shall report to the Legislature at its regular sessions their expenditures under the provisions of this article, and such other information as said officers may deem desirable, or as the Legislature may require.

## ARTICLE XCVII.

### WEIGHTS AND MEASURES.

#### Potatoes.

18. How potatoes shall be sold.  
Penalty for non-compliance.

#### Grain.

26 A. Standard barrel for green peas and beans in the hull.

#### Potatoes.

1896, ch. 475.

18. Potatoes in this State shall be sold by weight at the rate of fifty-six pounds to the bushel, and any person offending against the provisions of this section shall be subject to a fine of ten dollars, to be recovered before any justice of the peace of the city or county where said offense may be committed.

#### Grain.

1890, ch. 332.

26 A. The standard barrel for the measurement of all green peas or beans in the hull, for which a heaping measure is now given, shall be of the following dimensions, namely: diameter of said barrel at the top shall be eighteen and three-fourth inches inside the staves, the diameter at the bottom inside the staves shall be sixteen and one-fourth inches, and the depth of said barrel shall be twenty-six inches inside, and to contain in all six thousand two hundred and fifty-three and three-fourth cubic inches, measurement by said barrel to be struck measure.

# ARTICLE XCIX.

## WILD FOWL, BIRDS AND GAME.

### Wild Fowl.

3. Shooting at water fowl flying about their feeding grounds, unlawful.
6. Arrest of offenders against the provisions relating to wild fowl.

### Birds and Game.

13. Partridge, quail, etc., time for shooting or catching. Penalty for non-compliance.
14. Squirrels, time for shooting. Penalty for non-compliance. Not applicable to Allegany county.
15. Wild duck, blackhead duck, wild goose, wild swan or wild brant, when not to be killed. Penalty. Not to apply to Cecil or Harford counties.
- 15 A. Doves, may not be killed when. Penalty.
- 15 B. Snipe or plover may not be killed, when. Penalty. Not applicable to Worcester county.
- 15 C. Water-rail, ortolan, reed-bird, rail-bird or rice-bird may not be killed, when. Penalties.
- 15 D. Penalties for destroying or having in possession at forbidden time certain game.
- 15 E. Penalty for having such birds in possession or exposing for sale, at forbidden times.
- 15 F. What birds it shall be unlawful to kill or have in possession. Penalties. Proviso.
- 15 G. Penalties for using gun other than that prescribed by law.
- 15 H. Penalties for killing such birds or game in the night time.
- 15 I. Penalties for shooting with big or swivel gun.
- 15 K. Penalties for shooting to frighten or drive wild ducks, etc., from their feeding grounds.
- 15 L. Penalties for using ferret or weasel for capturing or killing birds or game.
- 15 M. Penalty for destroying nests or eggs. Exception.
- 15 N. Penalty for poisoning domestic poultry, etc.
- 15 O. Penalty for trapping quail, pheasant, etc.
- 15 P. Scientific students of ornithology or mammalogy exempt from this sub-title. Certificate to be procured.
- 15 Q. Jurisdiction of justices of the peace as to prosecutions for such offenses.
- 15 R. Counties not affected by these general laws. Montgomery county not affected as to law regarding squirrels and rabbits.

### Game Warden.

18. Appointment of game warden.
19. He shall enforce game laws.
20. Appointment of deputy game wardens. Their compensation.
21. Commissions to such deputies.

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| <p>22. Oath and authority of such deputies.</p> <p>23. Badge of office of such warden and deputies.</p> <p>24. Dismissal of deputies.</p> <p>25. Fines to go to wardens as compensation.</p> | <p>26. Authority of game warden and deputies upon evidence shown of unlawful possession of game or fish.</p> <p>27. Hearing of said case.</p> <p>28. Sale of game or fish as specified in section 27.</p> <p>29. Disposition of proceeds of sale.</p> <p>30. Wardens not liable for damages.</p> |
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### Wild Fowl.

1890, ch. 289.

3. No person shall at any time shoot at or shoot any water fowl flying about their feeding grounds or elsewhere over the waters aforesaid, from vessels, boat, float, canoe or craft of any kind, contrary to the provisions of this article.

1890, ch. 351.

6. Any officer of the State fishery force, sheriff, constable or commissioned militia officer of the county wherein the provisions of this article relating to water fowl may be violated, who shall be satisfied either upon his own view, or information received of any other person, whether on oath or not, that any one has violated the said provisions, shall be and he is hereby authorized and empowered to arrest and take into custody such person so offending, and the boatmen or other persons found on board of the vessel, boat, float, canoe or craft employed to convey such offender for the purpose of shooting at or killing wild ducks or wild fowl of any description contrary to the provisions of this article, and he shall seize and take into his possession the said vessel, boat, float, canoe or craft, and the gun or guns, ammunition and decoy ducks in the same or in the use or possession of the offender or offenders.

### Birds and Game.

1898, ch. 206.

13. No person shall shoot or in any manner catch or kill any partridge or quail, English or Mongolian pheasant, American pheasant, ruffed grouse or wild turkey in Garrett county between January first and November first, or any rabbit from the first day of February to the first day of November in Garrett or

Allegany counties. No person shall catch or kill any partridge or quail or wild turkey between January the first and November the first, or any woodcock between January the first and July the first, or any pheasant or ruffed grouse in Allegany county between January the first and September the first in each and every year. And no person shall shoot or in any manner catch or kill any of the aforesaid birds or game animals in the counties of Washington, Frederick, Howard, Baltimore, Montgomery, Prince George's, Calvert, Charles, Kent, Caroline and Talbot between the twenty-fourth day of December and the first day of November in each and every year; and no person shall shoot or in any manner catch or kill in the counties of Carroll, Harford, Montgomery, Anne Arundel, St. Mary's, Queen Anne's and Cecil any partridge, quails, pheasant or rabbits, between the twenty fourth day of December and the tenth day of November following in each and every year; and no person shall shoot or in any manner catch or kill any of the aforesaid birds or game animals in the counties of Dorchester, Somerset, Wicomico or Worcester between the first day of February and the tenth day of November in each and every year, under a penalty of not less than one (\$1) dollar nor more than ten (\$10) dollars for each of the aforesaid birds or game animals so shot, caught or killed; provided, however, that it shall be lawful in all the counties of this State to shoot woodcock during the month of July.

Dickhaut v. State, 85 Md. 459.

1898, ch. 206.

**14.** No person shall shoot or in any manner catch or kill in this State any squirrel between the first day of December and the first day of September following in each and every year, under a penalty of not less than one (\$1.00) dollar nor more than five (\$5.00) dollars for each squirrel so shot, caught or killed; provided, however, that this section shall not apply to Garrett and Allegany counties.

Ibid.

**15.** No person shall shoot or in any manner catch or kill in this State any wild duck, blackhead ducks, wild goose, wild swan or wild brant, between the tenth day of April and first day of November in each and every year, under a penalty of not less

than one (\$1.00) dollar nor more than ten (\$10.00) dollars for each of the aforesaid birds so shot, caught or killed; provided, that in Charles county it shall not be lawful to shoot or in any manner catch or kill any acorn or genuine duck between the tenth day of April and the first day of October in each and every year; and provided further, that this section shall not apply to Worcester county; and provided further, that nothing contained in this sub-title is intended to interfere with or in any manner repeal the public local laws of Cecil and Harford counties, regulating the shooting of wild fowl in those parts of the waters of the Susquehanna river, Cheasapeake bay, commonly called the Susquehanna flats.

1898, ch. 206.

**15 A.** No person shall shoot or in any manner catch or kill, in this State, any doves between the twenty-fourth day of December and the fifteenth day of August following, in each and every year, under a penalty of not less than one (\$1) dollar nor more than two (\$2) dollars for each bird so shot, caught or killed.

Ibid.

**15 B.** No person shall shoot, or in any manner catch or kill, in this State, any snipe or plover between the first day of May and the fifteenth day of August in each and every year, under a penalty of not less than one (\$1) dollar nor more than two (\$2) dollars for each bird so shot, caught or killed; provided, however, that this section shall not apply to Worcester county.

Ibid.

**15 c.** No person shall shoot, or in any manner catch or kill, in this State, any water-rail or ortolan or reed-bird, rail-bird or rice-bird between the first day of November and the first day of September following, in each and every year, under a penalty of not less than one (\$1) dollar nor more than two (\$2) dollars for each bird so shot, caught or killed.

Ibid.

**15 D.** No person shall, in Baltimore city, have in possession, expose for sale, sell or buy, alive or dead, any partridge or quail, wild turkey, rabbit or hare, between the twenty-fourth day of

December and the first day of November following, in each and every year, or any American pheasant or ruffed grouse between the twenty-fourth day of December and the first day of October following, in each and every year; or any woodcock between the twenty-fourth day of December and the first day of July following, and between the first day of August and the first day of November following, in each and every year, or any wild duck, wild goose, wild swan or wild brant, between the tenth day of April and the first day of November following, in each and every year, under a penalty of not less than one (\$1) dollar nor more than ten (\$10) dollars for each of the aforesaid birds or game animals so had in possession, exposed for sale, sold or bought; or any doves, flickers or yellow winged woodpeckers, between the twenty fourth day of December and the fifteenth day of August in each and every year; or any snipe or plover, between the first day of May and the fifteenth day of August in each and every year; or any water-rail or ortolan, reed-bird or rail-bird, or rice-bird, between the first day of November and the first day of September in each and every year, or any squirrel between the first day of December and the first day of September in each and every year, under a penalty of not less than one (\$1) dollar nor more than two (\$2) dollars for each of the aforesaid birds or game animals so had in possession, exposed for sale, bought or sold.

1898, ch. 206.

**15 E.** No person shall have in possession, expose for sale, sell or buy any of the aforesaid birds or game animals, alive or dead in said city of Baltimore, or in any of the aforesaid respective counties, during the aforesaid respective closed seasons or dates between which, in said city or counties, it is made unlawful, by the preceding sections of this sub-title, to shoot or have the same in possession, whether such birds or game animals so had in possession, exposed for sale, sold or bought, shall have been shot, or in any manner caught or killed in that county, or in any other county of this State, or in any other State, territory or country, under a penalty for the having in possession, exposing for sale, selling or buying of each such bird or game animal, similar in amount, respectively, to that hereinbefore made and provided for the illegal shooting or having in possession of the same; but

nothing in this section or the preceding sections contained shall be so construed as to prevent any person or corporation from having in his or its possession, at any time, any live birds or game animals, for the purpose of stocking lands in this State.

Dickhaut v. State, 85 Md. 459.

1898, ch. 206.

**15 f.** No person shall, in this State, at any time shoot or in any manner catch or kill, expose for sale, sell or buy, or have in possession, alive or dead, any turkey buzzard, wren, sparrow, blue bird, humming bird, bluejay, migratory or other thrush, wood robin, red-breasted robin, martin, mockingbird, catbird, swallow, oriole, red-bird, lark, indigo-bird, joe wink, pewitt, sapsucker, whipperwill, gold finch, yellow-breasted chat, cedar bird, herring gull or mackeral gull, or gull of any description, under a penalty of not less than one (\$1) dollar nor more than five (\$5) dollars for each such bird so shot, caught, killed, exposed for sale, sold, bought or had in possession; and no person shall, under like penalty, have in his or her possession, offer for sale or wear the skins, plumage, wings or feathers of any of the birds, the catching or killing of which is prohibited by this section; provided, however, that nothing herein contained shall be so construed as to make it unlawful to shoot, catch or kill, or in any manner destroy at any time, any hawk or other birds destructive to domestic poultry, of any English sparrow, or crow or blackbird; provided that this section shall not apply to St. Mary's county and Calvert county; provided, that it shall be lawful to have mocking birds or red birds, or other song birds in cages or stuffed specimens of any said birds in educational institutions, or public or private museums.

Ibid.

**15 g.** No person shall, at any time, in this State shoot at or kill any of the birds or game animals permitted to be shot or killed under this sub-title, with any other kind of gun than such as is habitually raised at arm's length from the shoulder, under a penalty of not less than five (\$5) dollars nor more than twenty-five (\$25) dollars for every such bird or game animal so shot at or killed, and under a further penalty of not less than fifty (\$50) dollars nor more than one hundred (\$100) dollars for each

offense, and every gun which is not so habitually fired from the shoulder, as aforesaid, shall be liable to seizure by any State or county officer authorized to execute warrants and the forfeiture and destruction by any justice of the peace before whom such gun shall be produced.

1898, ch. 206.

15 H. No person shall, in this State, at any time, shoot at or in any manner kill or catch, in the night time, any of the birds mentioned in the preceding sections of this sub-title, under a penalty of not less than one (\$1) dollar nor more than twenty-five (\$25) dollars for each bird so killed or caught; and if, at the trial, it shall be proved that the person charged with shooting at or the killing of said birds in the night time was at or about the place where the shot was fired, and that he had a gun in his possession on the night in question, in the vicinity where such shooting occurred, either prior to or at the time of, or after the shooting, such fact shall be deemed *prima facie* evidence of his having violated the provisions of this section.

Ibid,

15 I. No person shall, in this State, at any time, use or have in his possession, or sell or dispose of in any manner, any big or swivel gun, with the intent, or for the purpose of shooting at or killing wild ducks, wild geese, wild swan, wild brant or other water fowl, under a penalty of not less than fifty (\$50) dollars nor more than one hundred (\$100) dollars for each offense, and the possession or sale, or disposition, by any person, of any such big or swivel gun in this State shall be deemed *prima facie* evidence that the same is possessed, or sold, or disposed of with the intent, and for the purpose of shooting at or killing such birds in this State. and every gun shall be deemed a big gun, for the purpose of this law, which is not habitually raised at arm's length and fired from the shoulder.

Ibid.

15 K. No person shall, at any time, in this State, shoot at or do any act or thing whatsoever with the intent or purpose of frightening or driving wild ducks, wild geese, wild swan, wild brant or other water fowl of any kind from their feeding or

roosting grounds, under a penalty of not less than twenty-five (\$25.00) dollars nor more than one hundred (\$100.00) dollars for each offense.

1898, ch. 206.

**15 L.** No person shall, in this State, at any time, use any ferret or weasel for the purpose of hunting, capturing or killing any of the aforesaid game animals, under a penalty of not less than ten (\$10.00) dollars nor more than twenty-five (\$25.00) dollars of each offense, and under a further penalty of ten (\$10.00) dollars for each such game animal so captured or killed.

Ibid.

**15 M.** No person shall, in this State, at any time molest or destroy the nests or eggs of any of the aforesaid birds, except those of hawks or other birds destructive to domestic poultry and game birds, or those of English sparrows, crows and black-birds, under a penalty of not less than one nor more than five (\$5.00) dollars nor more than twenty-five (\$25.00) dollars for each and every such offense.

Ibid.

**15 N.** No person shall kill or injure by poison any domestic poultry or any golden English or Mongolian pheasants, or any of the aforesaid game birds not the property of said person, but upon the premises of and belonging to some one else, under a penalty of not less than ten (\$10) dollars, nor more than three hundred (\$300) dollars.

Ibid.

**15 O.** No person shall trap, net or ensnare any partridge or quail, pheasant or ruffed grouse, wild turkey, woodcock or water fowl of any kind, or have in possession any trap, net or snare with the intent or purpose to capture or kill any such birds, under a penalty of (\$10.00) dollars for every such bird so trapped, killed, netted or ensnared, and under a further penalty of fifty (\$50.00) dollars for the having in possession any such trap, net or snare, and every such trap, net or snare shall be forfeited and destroyed.

1898, ch. 206.

**15 P.** Any person in this State above the age of eighteen years, engaged in the killing of birds or mammals, or the collecting of eggs for purely scientific purposes, shall be exempt from the provisions of this sub-title, provided that said person shall first obtain a certificate in writing from the State game warden to the effect that such person is engaged in the scientific study of ornithology or mammalogy; and to obtain such certificate, such person must first file with the State game warden an application and an affidavit to the truth and *bona fides* thereof, made by the person requesting the same, and taken before any officer authorized to administer an oath in this State, which application and affidavit shall be retained and kept on file by said State game warden; but the possession of such birds, or their eggs or mammals without certificate, during any of the aforesaid dates, between which, it is hereinbefore made unlawful to shoot and collect the same, shall in all cases be *prima facie* evidence against such person.

Ibid.

**15 Q.** The justices of the peace of this State, in and for the city or county wherein the offense shall be committed shall have jurisdiction to hear and determine all prosecutions for the purpose of enforcing fines and penalties, collectible under the provisions of this sub-title, and all such fines and penalties are hereby expressly made subject to the provisions of section 25 of this article, and in all cases where such prosecutions are begun or instituted by any person other than the State game warden or one of the deputy game wardens of this State, and shall result in the collection of a fine or fines, then one-half of such fine or fines, after the proper court costs or magistrate's costs in the trial and decision of the case shall have been paid, shall be paid to the informer, and the other half to the school fund of the city or county in which said prosecution is conducted.

Ibid.

**15 R.** All acts or parts of acts and all sections and parts of sections of the code, both of general and local laws, now in force in the State of Maryland, inconsistent with the provisions of this sub-title are hereby repealed; provided, nothing in this

sub-title shall in any manner affect the public local laws for Kent, Talbot, St. Mary's, Calvert, Harford, Allegany, Somerset, Worcester, Caroline, Prince George's, Cecil, Frederick, Charles, Dorchester, Montgomery, Queen Anne's, Carroll, Washington and Wicomico counties relating to game and wild fowl, nor the local law as it now exists in Montgomery county as to hunting and killing rabbits, but that the local laws shall remain in full force in said counties, respectively.

**Game Warden.**

1896, ch. 298.

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18. The Governor shall, on the first day of April, in the year eighteen hundred and ninety-eight, and every two years thereafter, appoint a game warden for this State, whose term of office shall be for two years, or until his successor be appointed. The said game warden shall receive a salary from the State for his services of five hundred dollars per annum, and shall receive a portion of the fines arising from the violation of the game and fish laws, when the offenders shall be prosecuted by said game warden or his deputy game wardens, as hereinafter provided. The said game warden may be removed by the Governor at any time upon proof, satisfactory to him, that said game warden is not vigorously enforcing the game or fish laws of this State, or is not a fit person for said position. In this article the word "game" shall be taken to embrace deer, wild turkey, primatted grouse, ruffed grouse, known as "pheasants," Mongolian and English pheasants, woodcocks, partridges or quail, rabbits, squirrels, ducks, geese and all other species of wild fowl.

Ibid.

19. It shall be the duty of the said game warden and his deputy game wardens to prosecute all persons or corporations having in their possession any game or fish contrary to either the general or local game or fish laws of this State. It shall also be their duty to see that the game and fish laws are enforced and obtain information as to all violations of the said game and fish laws.

Ibid.

20. Whenever the game warden considers that it is necessary that he should have deputy game wardens appointed to assist

him in more efficiently enforcing the game and fish laws of this State, he may apply to the Governor to commission such persons as he may designate to act as deputy game wardens in any of the counties or in Baltimore city, to enforce the game and fish laws of this State, and to carry out all the purposes of this article. Such persons need not be residents of the county or city for which they are appointed. If the Governor approve such persons, he may appoint them deputy game wardens. Such deputy game wardens shall not receive a salary from the State or counties, but shall be paid such compensation out of the fines collected, or otherwise, as the game warden may agree with them.

1896, ch 298.

**21.** The Governor shall issue to each person so appointed as deputy game warden a commission, and shall transmit such commission to the clerk's office of the circuit court for the county for which the deputy game warden is appointed, and to the office of the clerk of the Superior Court of Baltimore city, if appointed for Baltimore city, and he may revoke and annul any such appointments at his pleasure.

Ibid.

**22.** Every deputy game warden so appointed shall, before entering upon the duties of his office, take and subscribe before a justice of the peace of the county or city in which his commission may be received, the oath or affirmation prescribed by the sixth section of the first article of the constitution of this State, which oath or affirmation shall be recorded in the clerk's office of such county or city. The game warden throughout the State, and also every deputy game warden so appointed, after the recording of the oath or affirmation to be by said deputy game warden taken as aforesaid shall, in the county or city for which said deputy game warden may be appointed, possess and exercise all the authority and power held and exercised by constables at common law and under the statutes of this State, and also all authority and powers conferred by law upon policemen in the city of Baltimore as far as arresting and prosecuting persons for violating any of the game and fish laws of this State are concerned. The clerk shall only charge fifty cents for recording said oath or affirmation.

1896, ch. 293.

**23.** The game warden and deputy game wardens shall, when acting in their official capacity, except when on detective duty, wear in plain view a metallic shield, with the words "Game Warden" or "Deputy Game Warden," as the case may be, inscribed thereon.

Ibid.

**24.** Whenever the service of any deputy game warden shall no longer be required by the game warden, the game warden shall give a notice in writing this effect, and shall file the same in the office of the clerk where the oath of office of such deputy game warden shall be recorded, which notice shall be noted by the clerk upon the margin of the record where such oath or affirmation is recorded, and thereafter the power of such deputy game warden shall cease and determine, and a copy of such notice shall be immediately served on such deputy game warden by the game warden.

Ibid.

**25.** In all cases in which prosecutions for violations of any of the general or local game or fish laws of this State shall be instituted by the game warden or any deputy game warden, and shall result in the collection of a fine or fines, then all of such fine or fines, after the proper court costs or costs of the magistrate in convicting such offenders shall have been paid, shall be paid to the game warden as his compensation. And all public and local game and fish laws heretofore enacted are hereby so amended as to make the fines therein provided payable to the game warden according to the terms of this section. This section shall not prevent the collection of any portion of such fines given by law to the informer by any person not a game warden or deputy game warden procuring the conviction of any person violating the game and fish laws.

Ibid.

**26.** If the game warden or any deputy game warden has reason to believe that any person or corporation has in his or its possession, contrary to law, any game as defined by section 18, or fish, it shall be the duty of the game warden or such

deputy game warden, to go before any justice of the peace in the county or city in which the game or fish may be, and make affidavit of that fact; said justice shall thereupon issue a search warrant against the person or corporation so complained of, directed to any constable of the said county or city, commanding him to proceed at once and search for said game or fish and, upon finding the same, to seize and take possession of the same and keep it until further order by the justice. The said constable shall read said warrant to the owner or person in whose possession said game or fish is supposed to be. Said warrant shall be returnable within not less than twelve hours nor more than twenty-four hours from the date thereof.

1896, ch. 293.

**27.** At the time mentioned in said warrant, said justice shall proceed to hear and determine whether said game or fish was in the possession of the person or corporation contrary to law; and if the said justice shall find that said game or fish was in the possession of the defendant contrary to law, then said justice shall enter judgment against the defendant and order sale of the game or fish so seized; but if the said justice shall find that the possession of such game or fish was not contrary to law, then the judgment shall be that the same be returned to the person or corporation from whom the same was taken. An appeal to the circuit court for the county, or the Baltimore City Court as the case may be, may be taken within two hours by the defendant from the judgment of the justice upon giving sufficient bond to cover the cost of the appeal and the value of the game or fish seized, to be determined by the justice.

*Ibid.*

**28.** In case of judgment and order of sale, as specified in section 27, and in absence of an appeal and the filing of a proper bond, as provided by said section, then said constable shall at once post two notices, one at the justice's door and the other at the place of sale, specifying in each notice the time and place of sale, not less than five hours from the hour at which the judgment was rendered, and also a description of the game or fish to be sold; said place of sale shall be at the most public place obtainable for the purpose. Said constable shall, at the time and

place mentioned in said notice, sell such game or fish at public auction to the highest bidders for cash, and at once pay the proceeds of such sale to the justice; said constable shall give the purchaser a certificate of purchase, in which shall be a particular description of the game or fish sold, together with the date of sale.

1896, ch. 293.

**29.** If there has been no appeal, or if the judgment of the justice is affirmed on appeal, the said justice shall deduct his costs, if not already paid, together with the constable's costs, which shall include a fee of ten per centum of the amount of the proceeds of the sale for his services as auctioneer, and shall distribute the balance of such proceeds of sale or the ascertained value of the game or fish seized as secured by the bond, as follows: One-half shall be paid to the game warden, which shall be kept by him for his services, and one-half shall be paid into the county or city treasury for the benefit of the school fund.

*Ibid.*

**30.** The game warden and the deputy game wardens shall not be liable for any damage or costs sustained by any person or corporation by reason of the wrongful seizure of game or fish under this sub-title; provided, however, that the enforcement of this sub-title shall in nowise prevent prosecution of persons or corporations for violations of the game or fish laws of this State.

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## ARTICLE C.

### WORK—HOURS OF, IN FACTORIES.

- 4.** Employment of children under twelve years of age, unlawful. Penalty.  
Counties excepted from this provision.

1894, ch. 317.

**4.** No proprietor or owner of any mill or factory in this State, *1902*  
other than establishments for manufacturing canned goods, or *Ch. 56*

manager, agent, foreman or other person in charge thereof, shall, after the first day of October in the year eighteen hundred and ninety-four, employ or retain in employment in any such mill or factory, any person or persons under twelve years of age; and if any such proprietor or owners of any such mill or factory, or manager, agent, foreman or other person in charge thereof, shall wilfully violate the provisions of this section, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than one hundred dollars for each and every offense so committed, and pay the cost of prosecution, one-half of the fine to go to the informer and the other half to the school fund of the county or city in which the offense shall have been committed; provided, that nothing in this section shall apply to Frederick, Washington, Queen Anne's, Carroll, Wicomico, Caroline, Kent, Somerset, Cecil, Calvert, St. Mary's, Prince George's, Howard, Baltimore, Worcester and Harford counties.

*Art. 102 Added 1902 ch 139.  
(Employers & Employee Co-operative Insurance & Liability)*

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## APPENDIX.

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# APPENDIX,

Giving References to the Decisions Made, from October, 1887, to  
January, 1898, by the Court of Appeals, Upon the Code of  
Public General Laws, Arranged Under the  
Proper Articles and Sections.

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